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HISTORICAL MANUSCRIPTS COMMISSION.

FOURTEENTH REPORT, APPENDIX, PART III.

THE

MANUSCRIPTS

OF THE

DUKE OF ROXBURGHE; SIR H. H. CAMPBELL, BART.; THE EARL OF STRATHMORE; AND THE COUNTESS DOWAGER OF SEAFIELD.

Presented to both Houses of Parliament by Command of Her Majesty.

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REPORT ON THE MUNIMENTS OF HIS GRACE THE DUKE OF ROXBURGHE AT FLOORS CASTLE IN THE COUNTY OF ROXBURGH, BY SIR WILLIAM FRASER, K.C.B., EDINBURGH.

MSS. OF DUKE OF ROXBURGHE.

The noble and distinguished family of Roxburghe has held a prominent position in the borders of Scotland for upwards of five centuries. Like other ancient Scottish families they have had many vicissitudes and changes. Beginning as Border lairds holding the lands of Altonburn and afterwards of Cessford, the Kers gradually attained to the peerages of Lord Roxburghe, Earl of Roxburghe, and Duke of Roxburghe. But these high honours were not all acquired in the direct male line of the Kers of Cessford. They continued to be commoners from the middle of the fourteenth to the end of the sixteenth century when Robert Ker of Cessford was created Lord Roxburghe in 1599. He was advanced in the peerage in 1616 with the title of Earl of Roxburghe. Up to that date the Kers of Cessford and the Lord and Earl of Roxburghe continued in the direct male line. But the first Earl of Roxburghe, having no surviving male issue and four daughters, made arrangements that the eldest daughter, Lady Jean Ker, should marry her cousin, William Drummond, of the family of the Earls of Perth, and inherit the title of Earl of Roxburghe. The Drummond Earls of Roxburghe continued in the direct male line till John, fifth Earl, was created Duke of Roxburghe. He was a prominent statesman, and held the important office of Secretary for Scotland at the time of the union between Scotland and England. The Drummond Dukes of Roxburghe continued till John the third Duke who died in the year 1804 unmarried. He was well known in the literary world and his name is commemorated in the Roxburghe Club. The titles and estates of Roxburghe then devolved on William, seventh Lord Bellenden, who was the direct heir male of William, second Earl of Roxburghe, whose fourth son John succeeded under a Crown resignation to the title and estates of his kinsman, William, first Lord Bellenden of Broughton, whose mother was Margaret Ker, sister of the first Earl of Roxburghe. William Lord Bellenden thus became the fourth Duke of Roxburghe. He did not live long after his succession, having died in the following year, 1805, leaving no surviving issue. After his death a competition arose for the titles of Duke and Earl of Roxburghe and the old family estates between Lady Essex Ker, daughter of the second Duke of Roxburghe, as heir of line, Sir James Norcliffe Innes, as heir male of the body of Margaret Ker, daughter of Harry Lord Ker, Major-General Walter Ker of Littledean, claiming as heir male of Robert Ker, first Earl of Roxburghe, and the Right Honourable William Drummond of Logiealmond, as heir male of the second or Drummond Earl of Roxburghe. This remarkable case occupied the attention of the Court of Session and the House of Lords for several years, and on 11th May 1812, the House of Lords, affirming the judgment of the Court of Session, decided in favour of Sir James Norcliffe Innes Ker, who became fifth Duke of Roxburghe, and was the grandfather of the present Duke.

The Roxburghe estates and peerages have thus been inherited successively by the families of Ker of Cessford, Drummond of Perth,

Bellenden of Broughton, and Innes of Innes. The costly litigation is said to have ruined General Ker of Littledean, although he was generally admitted to have been the heir male of the Kers of Cessford. His estate of Littledean was sold and now forms part of the beautiful estate of Lord Polwarth on the banks of the Tweed, opposite his principal residence of Merton House. The ruined Tower of Littledean is still a prominent feature in the landscape there. The tradition in the neighbourhood of Littledean is that General Ker died deep in poverty, and his funeral was meanly attended, mainly through his unsuccessful claim to the coveted Dukedom of Roxburghe.

Such is a general description of the long line of possessors of the muniments which are here reported. As they relate almost entirely to the family of Ker of Cessford, a few notices of the early members of that family may here be given.

The origin of the family of Ker of Cessford now represented in the female line by the Duke of Roxburghe, as already stated, has, like that of the Kers of Ferniehirst represented by the Marquis of Lothian, K.T., been the subject of discussion. It has been stated by peerage writers that the two families respectively descend from two brothers of Anglo-Norman lineage who settled in Scotland in the thirteenth century. But no positive proof of that assertion is known to exist. The descendants of the two families of the name of Ker had long continued contentions about the precedency of the one family over the other. These contentions led to bloodshed. In 1590, Robert Ker of Cessford, afterwards first Earl of Roxburghe, killed William Ker of Ancrum, the head of the rival house of Ferniehirst. The proceedings for repairing that murder are fully detailed in the report. As might be expected, these proceedings are not the only instances of the Sovereigns of Scotland having great trouble in staunching the feuds between other families, notably the Turnbulls of Minto, Kirkpatricks of Kirkmichael, and the Charteris of Amisfield.

The earliest of the name of Ker in record is Robert Ker, who appears in 1231 in connection with lands in the north of England. In 1296 several of the name of Ker in the counties of Peebles, Edinburgh, Ayr, and Stirling, did homage to King Edward the First at Berwick, and others are mentioned in connection with the shire of Aberdeen, but none of these can be claimed with certainty as the ancestor either of the family of Lothian or that of Roxburghe.

The next who appears on record is John Ker, in the county of Roxburgh, who acted as a juror on various occasions during the English occupation of that county in the year 1357. He was no doubt the same who is designed in the second charter now reported on [No. 2 *infra*] as John Ker of the Forest of Selkirk or Ettrick, who received in 1358 from John of Coupland a grant of the lands of Altonburn, in the county of Roxburgh. These lands belonged previously to Adam of Roule who bestowed them upon John of Coupland and Joanna his wife [No. 1 *infra*] from whom they passed to John Ker. John Ker of Altonburn married a lady whose Christian name was Mariota, but of what family she was there is no evidence, though she may have been a relation of the William and Christian Blackden who are named in writ No. 3 *infra*.

The next member of the family who is noted in the writs now reported on is Richard Ker of Altonburn who was succeeded in his lands by his brother Andrew Ker [No. 4 *infra*]. This Andrew Ker, although retoured heir to his brother in 1438, appears as the Laird of Altonburn some time previous to that year. In or about 1430, he had a lease of the lands of Primside; in 1434, he received a charter of the lands of Borthwickshiels,

and in 1443 a grant of the mains of Hownam [Nos. 10, 31 and 39 *infra*]. His son Andrew Ker succeeded in 1445 [No. 43 *infra*], and it was he who, in 1453, entered into the mutual bond of maintenance [No. 5 *infra*] with a neighbouring laird, Sir Robert Colville of Oxnam, while in 1454 he received in exchange for his lands of Hownam-mains a bond of manrent [No. 6 *infra*]. These documents are among the earliest of their class in the south of Scotland.

This Andrew Ker was more than once accused of traitorous correspondence with the English. He was twice solemnly tried for this crime and each time was acquitted. The first time in 1456 [No. 7 *infra*] he was accused of bringing Englishmen into his own neighbourhood to Eckford, Crailing, Grimslow, and Jedburgh, and burning the district, but at a later date the accusation took a wider range. He was a vassal of the great Earls of Douglas, and adhered to their fortunes to the last, and when they were expelled from the country, he appears, after the death of King James the Second, in 1460, to have joined the party of Robert Lord Boyd, who seized the reins of power during the minority of King James the Third. Ker was one of those who actively took part in carrying off the young King from Linlithgow to Edinburgh on 9th July 1466, the audacious step which secured the supreme power to the Boyds. For these and other offences Ker was at a date not very long after the downfall of that faction brought to trial, and, with better fortune than the Boyds, was acquitted [No. 54 *infra*]. The reference in the accusation to the battle between the English and Scots, where the Laird of Rutherford was slain, may refer to the battle of Arkinholm in 1454, but more probably to some obscure conflict between the two nations. The accusation of complicity in the treasonable killing of the Chancellor Lord Avandale, must refer only to a meditated attack upon that nobleman, as he survived for many years afterwards.

Andrew Ker, who was the first to hold the lands of Cessford, of which he had a Crown charter in 1467 [No. 27 *infra*], was succeeded by his son Walter, who, however, was not his eldest son as is usually stated. The eldest son, as appears from writs here reported on, was also named Andrew, but appears to have died without other surviving issue than one daughter, Margaret Ker, who, in 1479, renounced all claim and right which she had to the barony of Cessford in favour of her uncle, Walter Ker [No. 28 *infra*]. Margaret Ker's mother may have been of the Hepburn family, and appears to have married, secondly, one of the Lords Haliburton.

It is unnecessary to trace the descent of the family of Ker of Cessford, generation by generation, but notice may be taken of the later lairds of Cessford immediately preceding the creation of the title of Lord Roxburghe in the year 1599. They successively held the office of Warden of the Middle Marches, and it is in this capacity that they appear in the present report. The document [No. 61 *infra*] dealing with the provisions for fortifying the castle of Langholm and others, is without date, but appears to refer to the early part of the reign of Queen Mary, during the regency of her mother, when French troops were for a time employed in Scotland. As Warden, the Laird of Cessford received from Queen Mary the three letters [Nos. 70, 71, and 72 *infra*], the second of which is of special interest, as it announced the Queen's intention of visiting Teviotdale, a visit made memorable by her ride from Jedburgh to Hermitage Castle, for the purpose of visiting James, Earl of Bothwell, who had shortly before been wounded in a border raid.

The clerical adventurer who figured as a Roman Catholic priest,

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and also as a Protestant clergyman at the same time, whose exploits are recorded in No. 74 *infra*, and upon whom Lord Roxburghe, as warden, was to do justice, is apparently not known to the ecclesiastical annalists of the period, and his identity has not been ascertained. In No. 63 *infra*, a remarkable series of papers is referred to in connection with the long continued feud between the Kers of Cessford and the Kers of Ferniehirst. Lord Roxburghe, while still the young Laird of Cessford, had in 1590 killed William Ker of Ancrum, the head of the rival house, and now in 1605 and 1606, by the influence of King James the Sixth and the Privy Council of Scotland, a formal process of legal reconciliation between the families was gone through. Lord Roxburghe signed a document, in which he acknowledged his regret for the murder; compensation amounting to 10,000 marks was paid to the aggrieved party, and letters of forgiveness were given by them, which put an end to the open feud.

Attention may here be specially directed to No. 107 *infra*, the Book of Family and Household expenses of the same first Lord Roxburghe, who was advanced to the Earldom of Roxburghe in 1616. The entries in the book, which are authenticated by Lady Jane Drummond, his Countess, range from 30th June 1619 to 9th March 1630, and are of much interest. A fuller detail is given on a later page. Nos. 65—69 *infra* contain the last wills of certain members of the family, including Robert, second Earl of Lothian, and the first and second Earls of Roxburghe. The last historical document in which any of the family are personally interested will be found at No. 108 *infra*, where the fifth, or Innes, Duke of Roxburghe, gives his boyish recollections of the rebellion of 1745, and his later experiences of the campaign of 1760 and 1761 in the Seven Years war.

The first portion of the writs now reported on are old charters of lands which have been or are now in possession of the Kers of Cessford. Of these lands Altonburn is the first territory with which the name is connected by genealogists. The earlier writs of Altonburn [Nos. 1 and 2], and also those of Primside [No. 39—41 *infra*], give some information about an old family of the name of Roule or Rule, the male heirs of which appear to have failed before 1440 when there were four coheiresses, who disposed of their lands to Andrew Ker of Altonburn. They held also the lands of Plenderleith and Hyndhope [No. 38 *infra*], which they disposed of in like manner.

The lands of Borthwickshiels in Roxburghshire are dealt with in Nos. 9—14 *infra*]. In the first writ, dated *c.* 1425, they are in the possession of Sir William Douglas of Strathbrock, who acquired them by marriage or descent from an heiress of Sir Laurence Abernethy. He granted the lands to George Crichton of Cairns, who sold them to the Kers. This George Crichton was afterwards created Earl of Caithness. He is said to have had two wives, but the name of the second only has hitherto been known. The relationship, however, stated by Sir William Douglas, implies that Crichton was his son-in-law.

The lands of Cessford, as already indicated, were held by the Kers only from the year 1467. Their history before 1325 is uncertain, though they seem to have belonged to Roger Moubray, one of those barons who had joined the English faction. In that year King Robert Bruce bestowed them on Sir William St. Clair of Herdmanston [No. 22 *infra*], from whom they descended to Sir John St. Clair who in 1376 resigned them [No. 23 *infra*] to Walter St. Clair. The latter left an heiress, Christian St. Clair, who married Sir William Cockburn, and she and her husband had a dispute about the estate with Sir William

Douglas of Auld Roxburgh, which, in 1416, was brought before the Regent, Robert Duke of Albany, and his council. The Act giving a temporary decision [No. 24 *infra*] is stated at length, as it is a hitherto unknown Act of a general council or parliament, and thus supplies an addition to the scanty records of Scottish Parliaments.

In 1447, the lands of Cessford were in possession of James first Lord Hamilton, who granted them to a kinsman of his own, Robert Grahame son of Marion Oliphant. She was the daughter of Sir John Oliphant of Aberdalgie, and is said to have married Sir William Grahame of Kincardine, but really married his younger brother Robert. Lord Strathallan, in his history of the House of Drummond, states that her marriage was arranged in 1399, when it was agreed that Robin de Graham should marry Marion Oliphant, with "many remarkable and singular conditions, very well worthie of the observing." Of this marriage there were, as appears from No. 26 *infra*, issue four sons.

The writs of Caverton, Nos. 16—21 *infra*, are chiefly interesting in so far as they show the existence of a family of Fotheringham in the county of Roxburgh having similar arms, but apparently distinct from the branch which settled in the shire of Forfar. Writ 16 *infra* appears to be a curious form of lease or mortgage. The lands were acquired by the Kers in 1473.

The writs of Sprouston referred to in Nos. 45—50 relate to the possession of part of the lands by the family of Cranston, and of another portion by the monks of the Charterhouse, a monastery near Perth, founded by King James the First. The writs of Sprouston, taken in connection with the following writ, No. 51, enable us to state that the castle of Newark on the Yarrow, commemorated in the "Lay of the last Minstrel," was used as the residence of the Earls of Douglas between 1432 and 1416. It is referred to in the Register of the Great Seal so early as 1423, but the Earls seem to have occupied an older residence known as Etybredshiels, which stood not very far from the new building, though its exact whereabouts cannot now be stated.

Among the miscellaneous writs, the first [No. 53 *infra*] is of special interest, as it details the fees payable to the usher of the Exchequer at an early date in Scottish history. The office at that period, the reign of King David the Second, was occupied by a family called "de Capella" or Chapel. King Robert the Second granted it to William de Camera or Chambers from whom it descended by marriage to the family of Waus or Waus of Meiny. John Waus of Many resigned the office in 1565, and it was conferred on Sir John Bellenden, of Auchnoul, justice clerk, ancestor of Lords Bellenden, the last of whom was for a short time fourth Duke of Roxburghe as above explained.

Nos. 56 and 58 are papers illustrative of the unsettled condition of Scotland, the first writ being a remission by King James the Fifth to the Border clan of Turnbull, chiefly residing in the valley of Rule water; while the other is a "letter of slains," or assurance of safety of life and limb given to a murderer by the kin and relatives of the person or persons slain, a pecuniary compensation, however, being made to the aggrieved parties. No. 59 is of the same character, being a decree pronounced by Mary of Guise, Queen Dowager, and Regent of Scotland, widow of King James the Fifth, who herself had become arbiter in a feud between the Kirkpatricks of Kirkmichael (cadets of the family of Closeburn) and the Charterises of Amisfield, in which blood had been shed on both sides. The decree ordained money compensation and restoration of goods.

MSS. OF DUKE OF ROXBURGHE.

Of the Papal bulls, fourteen in number [Nos. 76—86, and 88, 89], relating to the Abbacy of Kelso, only the first has been previously printed in the Bannatyne Club edition of the Register 1846. The other thirteen are now printed for the first time. They chiefly relate to the affairs of the Abbey itself. Attention, however, may be drawn to No. 78, a bull by Pope Honorius III., taking under his protection the "rector" of the wilderness ("heremi") of Merkingly, with his goods. It is not clear where this Merkingly was, but from the references to it in the register of the Abbey of Kelso, where Walter of Bolbech grants to the monks the hermitage which is called Merchingleye near Marchingburn, it appears to have been in Liddesdale, on the English side of the border. It is probably from this "hermitage," which is described as founded in a waste district, that the famous Castle of Hermitage in the same neighbourhood took its name. The bull [No. 81 *infra*] may also be noticed which forbids the monks to show hospitality to women, or to allow travellers of that sex to pass the night within the gates of the monastery, or even in its granges, giving as one reason, that women attracted by the hospitality of the abbey made while travelling long and useless stay there. The form of oath, No. 87, is given at length, as although comparatively modern, no similar document appears to exist showing the vows of allegiance taken to the Papal See by Scottish Abbots.

The other papers relating to Kelso are not of special importance, the principal ones, including the great charter by King Malcolm the Fourth, and the rentals having been already printed in the "Liber S. Marie de Calchou," published by the Bannatyne Club in 1846. The charter of Malcolm is considered to be, as a writing, one of the most remarkable of Scotch charters. It is well written, but its chief interest is derived from the initial letter "M" which is beautifully illuminated, and is believed to perpetuate two of the earliest Scotch portraits,—those of the founder of the Abbey, King David I., and of his youthful grandson Malcolm, the granter of the writ. This illuminated letter gives a favourable idea of the art of miniature as practised in the monastery in the twelfth century. The list of pensions detailed in No. 94 as paid out of the abbey revenues, and the statutes, No. 95 *infra*, for the regulation of the burgh of Kelso, are of some interest.

The documents, reported on under the head of "Bellenden Papers," are, as explained, only a few selected from a considerable number. They are papers which came into the family of Roxburghe with William, the seventh and last Lord Bellenden, who became, in 1804, fourth duke of Roxburghe. He was descended from John Ker, fourth son of William second Earl of Roxburghe, who, in 1671, was served heir of entail to his cousin, William Bellenden, first Lord Bellenden. The mother of the latter was Margaret Ker, sister of the first Earl of Roxburghe, and his father was Sir James Bellenden of Broughton, near Edinburgh, descended from a family of lawyers and statesmen. One of these, Thomas Bellenden, Director of Chancery and Justice Clerk, is mentioned in No. 96 *infra* in letters of maintenance in his favour by George Crichton, Bishop of Dunkeld, of date 1530. He was succeeded by his son Sir John Bellenden, also Justice Clerk, who married Barbara, daughter of Sir Hugh Kennedy, of Girvanmains, Queen Mary of Guise herself signing the marriage contract, No. 98. Of the same family also was probably Christian Bellenden, Prioress of the Convent of Saint Catherine of Sienna, near Edinburgh.

No. 101 *infra* is chiefly interesting on account of the persons to whom it refers, being a simple draft contract about lands between

Matthew, Earl of Lennox, and his son Henry, Lord Darnley. No. 103 is a letter from the last Roman Catholic prior of Holyrood, "Dene Stevin Litstar." No. 105, a letter from King James the Sixth to Sir Lewis Bellenden, the Ambassador to the English Court, relates partly to the Earls of Angus, Mar, and other banished nobles who had found a refuge in England.

Besides the charters and papers now reported on, most of which have been noted above, a large quantity of the family correspondence has been inspected. It relates chiefly to private family affairs of no general interest. The letters which have been thought worthy of notice here will be found in Nos. 109—118 *infra*.

As a specimen of the forms observed in the creation of a Scottish peer by a Commissioner after King James the Sixth went to England, the following "Instructions" preserved in the Roxburghe Charter Chest may be quoted at length.

INSTRUCTIONS for my Lord of Roxburghe to be rememberit againes the tyme of his preferment.

That in the place thocht meit for performing the ceremonie, a throne be erectit of fyve degries, vpone the vpper place quhairof a schair of honour be placit quhairon sallee layit the rob royall for his Majestie's Commissioner.

That the house be hung with tapestrie. That the haill throne be lyikwayis coverit and sum pairt of the pavement directlie befoir the schair of honour, vpon the left syid quhairof may be placet a table coverit, quhairon may be layit the honouris, septour, suord, and crowne.

And becaus the nobilman to be preferrit man ascend toward my lord comissioner, and the degries appoyntit for sitting wilbe vneasie for his ascending, it salbe necessar the passage toward the chair of honour be maid more easie be placing vpone ewerie degrie directlie from the pavement to the schair sum stapis of timber, quhilk I think the Master of Wark will tak ordour with.

That vpone the thrid degrie, richt vnder schair of honour thair be layit a cuschone of velvit quhairon the nobillman may humbill himself the tyme of his creation.

That sick nobilmen as ar to be present at the ceremonie be in thair robes of estait; at lest two lordis and als monie erlis.

That his lordship hawe present his barrones robe, the rob of ane erle, ane erlis crowne, the patent of his creation, ane sword within ane belt of velvit of cullour narrest that of the robe. The belt to be of that lenth that it may goe ower my lordis head, and beir the suord in way of ane bend and fasnit with ane buckill.

That directioun be givin to the pentir to hawe radie his lordshipis pinsell conteining his creist and woord, and ane standert beiring the haill armes of my lordis awin cullouris, quhilk I take to be geulis and asure. Alwayis his lordship will cleir that him self.

That his lordship hawe present sum worthie gentillman that hath not attennit to the dignitie of knichthood, at lest four, and quho may be employit to be beareris of thingis belanging to the ceremonie, and quho man be doublit knichtis for that thair service.

I dout not his lordship wilbe cairfull to hawe present at the actioun trumpittis.

The maisseris wilbe radie to attend my lord comissioner and to keip back the prease.

Old Charters of various Lands.

Altonburn.

MSS. of Duke of Roxburghe.

1. Charter by Adam of Roule to John of Coupland and his wife of the lands of Altonburn [*c.* 1354]. Omnibus hanc cartam visuris vel audituris Adam de Roule salutem in Domino sempiternam. Nouerit vniuersitas vestra me dedisse, concessisse et hac presenti carta mea confirmasse Johanni de Coupland et Johanne vxori sue et heredibus ipsius Johannis omnia terras et tenementa que habui in territorio de Haletonburne, cum seruiciis liberorum et bondorum et cum omnibus suis libertatibus et aysiamentis predictis terris et tenementis qualitercumque spectantibus: Habenda et tenenda omnia terras et tenementa predicta cum omnibus suis pertinenciis vt predictum est predictis Johanni de Coupland et Johanne vxori sue et heredibus ipsius Johannis de capitalibus dominis feodi illius, ita libere et quiete sicut ego terras et tenementa predicta aliquo tempore liberius et quiecius tenui; faciendo inde capitalibus dominis feodi illius seruicia inde debita et de iure consueta: Et ego predictus Adam et heredes mei omnia predicta terras et tenementa cum omnibus suis pertinenciis, vt predictum est, predictis Johanni de Coupland et Johanne vxori sue et heredibus ipsius Johannis contra omnes homines et feminas warantizabimus et inperpetuum defendemus. In cuius rei testimonium huic carte sigillum meum apposui. Et quia sigillum meum pluribus est incognitum sigillum Abbatis de Kalkhow et sigillum Abbatis de Melrose in testimonium premissorum presentibus apponi procuraui. Hiis testibus, Bernardo de Hawden, Johanne Burnard, Johanne de Hessewell, Michaele de Rydale, Eustacio Loreyn, Waltero Tornebole, Rogero de Halton, Willelmo de Rotherford et aliis. [Only one seal has been attached to the writ, which is still appended. It is apparently that of the granter, but the legend and armorial bearings are not readily decipherable.]

2. Charter by John of Coupland, granting and confirming to John Kerre of the Forest of Selkirk all his lands and tenements with their pertinents in Aldtonburne which the granter held by the gift and feoffment of Adam of Roule; to be held to the said John Kerre in fee and heritage, &c., as in the preceding writ. Dated at Altonburne, the Monday next after the feast of the purification of the Virgin Mary 1357. [5th February 1357–8.] Witnesses, Robert of Coleuile, William of Rotherford, John of Aynesley, Roger of Aldtoun, Robert of Wodeford, James of Loreyne, William of Gledstanes, William of Roule, Richard of Rydale, Alexander of Flex, John of Chattow, and others. Seal attached. Shield couché bearing what appears to be a cross. Above a helmet is a crest, a goat's head. Legend "S'. Johis de Coupland."

3. Charter by William of Blakdene, son and heir of Christian of Blakedene, granting and confirming to John Kerre of the forest of Eteryk and to Mariota his wife, all lands and tenements which have descended to the granter after the decease of his late mother the said Christian, of her heritage in the towns of Molle and Altonburne within the regality of Sproustoun; to be held to the said John and Mariota and the heirs and assignees of the said John, in fee and heritage, &c. Dated at Altonburne, the Thursday next after the feast of St. Michael the Archangel [4th October] 1358. Witnesses, Robert of Coleuile, John of Aynesley, James of Loreyn, Roger of Aldtoun, Robert of

Wodeford, William of Roule, Richard of Rydale, Eustace of Chattow, William Corbet and others. Seal attached. Device, a falcon striking a bird. Legend illegible.

4. Retour of Inquest made in presence of John Turnbull, bailie of the regality of Sproustoun, by Sir Walter Scott, Robert of Molle, Patrick of Ridale, Adam Scott, John Gurlay, William Schewyll, William of Langthoun, John Wanles, Archibald Turnbull, Laurence Turnbull, William Faulaw of Kyrktoun, Thomas Rufy and Thomas Mydylmest, who being sworn, declare that the late Richard Ker, brother of Andrew Ker died vested and seased of fee at the faith and peace of the king, of the lands of Aldtownburne, Wawtyswelys, and of Quitebankedene with pertinents, lying within the regality of Sprouston, and that the said Andrew Ker is the lawful and nearest heir of the late Richard, his brother, in the lands and that he is of lawful age ; that the lands were in time of peace valued at £20 yearly, but are become waste and of no value ; that they are held *in capite*, of the chief lords of the regality of Sprouston for one penny blench at midsummer yearly if asked, and that they have been in the hands of the superiors for three months by the death of Richard Ker. Dated at Langthoun, 29th April 1438.

5. Indenture (written in the vernacular) between Sir Robert Coluele, lord of Oxnam on one part and Andrew Ker of the Altoneburn on the other part, by which they agree "that athir part of thaim sal be lele and treu til vthir for al the dayese of thair lyffis in pese and in were at al thare gudely powar and athir of thaim sal be tyl vtheris ful help and supple in all actiounys and querellis mouyt or to be mouyt be ony maner of persounys that leff may or de may, thare legeans to the kyng and to the erle of Douglas alanerly outane ; alsua it is acordyt betuix the said partis that gyf ony of thare men happins to debat or discord outher in thare presens or absens that nouther of thaim sal tak part with thaire awyn men bot be euynly reddaris and stanchearis of euill and debatis quyll efter it may be brouch befor thaim and thare thai sal refourme ony debatis gyf sic happyns efter as it is sene spedfull to thaim ; alsua it is acordyt betuix the saide partis that gyf ony of thaim happins to be off the cuntre or to hafe sic materes ado that he mone nedways pass of the cuntre and the tothir part haf myster of his suple and help in his absens he sal at his passage charge and deliuer the keparis of his house and men to furthir help and supple the part than beand present in the contre like as thai suld do in presens of thare master beand than absent bath with supple of housis and men, but fraude and gyle, vnto the tyme of the cumyng hame of thair said master beand absent : Alsua it is acordyt that gyf ony of thaim happyns to inryn fedis or maugreis athir for vthir of ony partyse that nouthir of thaim sal mak frendschip na concorde without avice and assent of the tothir party. To the quhilkis thingis lely and treuly without fraude or gyle to be done and fullfyllyt bath the forsaide partis the holy euangellis tuichyt hav geffyn a bodely atht. In wittnes of the quhilk thing the forsaide partyse to the partis of thir indenturis enterchangeably has sett thair selys," at Jedburgh 10th June 1453. [To the present copy of writ, Sir Robert Colvill's seal has been affixed, but it now exists in a fragmentary condition.]

6. Indenture between "a rych honorabill squyar," Andrew Ker of the Altonburne on the one part and "Thom Robson" on the other part, which "proportis and beris wyttnes that it is acordit betuix the saide partyse in maner and forme as eftir folowys that is to say that the sayde

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Thom Robson is becumyn suorne man to the sayde Androw Ker to do hym synglar seruyce at his powar agayn all that lefe maye and dee may for all the dayes of his lyfe, his alegiance til our liege lord the kyng alanerly outtane and falande of hym as God forbeide it do he sal be man in lik maner for al his lyfe dayes tyl Androw Ker the sone and ayer of the sayde Andro Ker or til his rychtwyse ayeris; for the quhylk manrenschip and seruice the sayde Androw Ker sal gyff and deliuer frely tyl the sayde Thom Robson for al the dayes of lyf all and syndry his mayn landis of Hownum with thair pertinens to be haldyn and hade to the sayde Thom Robson for al his lyf dayes as is befor said with all and syndry profitis esmentis and rychwys pertinentis als wele vnnemmyt as nemmyt, als wele vndir erde as abouyn, als wele fer as ner to the sayde mayne landys pertenand or may pertene be ony maner of rych in tyme to cum, als frely quietly wele and in pese as ony landis ar gyffyn and grauntyt til ony man within the kynryk of Scotlande indurand the lyfdayes of the saide Thom Robson: and gyf it happynis that the said Thom Robson may nouch joyse and brouke the saide mayn landis for opyn wer of Inglischmen the sayde Androw or his sayde ayer sal gyff yherly in tyme of wer to the saide Thom Robson a hundereth schillingis of the vsuale mone of Scotland for his fee, and in tyme of pese he broukand the sayd landis as is befor sayde, and the sayde Androw Ker and his ayerys to the sayde Thom Robson for al the dayes of his lyf as befor sayde the sayde mayne landis with the pertinentis agayn al men and women sal warande and defend: To the quhilk condiciones and appoyntment lely and treuly to be kepyt done and fulfyllyt batht the saide partyse the haly euangellis tuichyt ar bodely suorne. In wittnes of the quhilk thyng to the partyse of thir indenturis remaynand with the sayde Thom the sayde Androw has set his seele, and forthy that the sayde Thom Robson had na propir sele of his awyn, to the partys of thir indenturis remaynand with the said Andro Ker has procuryt the sele of Thomas of Rykylton to be to set hafand the fors of his awyn sele, befor thir wittnes Johne of Aynysle lord of Dolphington, Uchtir of Aynisle, Wyll of Kyrktoun, Wat Robson and mony vthiris," at Jedburgh, 2nd December 1454. Seal attached, partly broken. Shield bearing a cross.

7. Letters of Acquittal by George Earl of Angus &c. in favour of Andrew Ker of Altonburn. 14 April 1456. "George Erle off Angus lorde Douglas off Lyddalysdale and Gedwortht forest, wardene of the est and the myddyll merchis off Scotland affornent Ingland, to all and syndry that it efferis we notify and makis knawyn, that comperit befor vs in oure curte of wardenry haldyn at Selkyrk on the xiiij day of the monetht of Apryle in the yere of oure lorde m^mo^ cccc fyfti and sex yere Andro Kere of Altonburne, endytyt and with our roll chalangit of arte and part of the tresonabill in bryngyng of the Inglismen to Hecfurde, to Cralyng, to Grymyslaw and to Jedworth, and brynt and heryit the kyngis legis; alsa endytyd for comun entermettyng and comun spekyng with Inglismen in tresonabill maner in illyng of the kyngis legis; also endytyd for a comun resettour and for a comun suppliar of comun traturis in thare tresonabyll dedis and the haffand art and part of thaim; alsua endytyd for a comun tratur; the qwhilk actioun the forsayd Andro allvtrelly denyit and of tha he was putt to a lele and a worthy assyse of the cuntre, that is to say Wylyam of Douglas of Cauerys, Schir Walter Scot, the lorde of Cranston, Nechole of Rutherfurde, Archibald of Newtoun, the lorde of Rutherfurde, Wylyam of Hepburne, Andro of Crechton, George off Hoppringill, Johne Turnbule, Mayster

Philip Pyle, Andro of Rutherfurde and Sandy of Hoppringill with diuerse vthiris, and thru the verdyt of the forsaide assyse deligently avysyt and decernitt the forsaide Andro of all the forsaide actionis all-vtrelly was made qwhit and vn-wemyt. In the wittnes of the qwhylk thynge we hafe gert set to the sele of our office day yer and place forsayde."

Blackpool.

8. Charter by William of Douglas, lord of Cavers, granting to his nephew (or grandson) Walter Ker, son of Andrew Ker, his whole lands of Blackpule with pertinents, lying in the barony of Cavers in the sheriffdom of Roxburgh, and that for a sum of money paid by the said Walter Ker; the lands to be held to Walter Ker and his heirs of the granter and his heirs for one penny payable at Christmas if asked, in name of blench farm. Dated at Cavers, 4th August 1450; witnesses, Thomas of Cranstoun lord of that Ilk, James of Douglas, Master Philip Pyle, James Graye, Duncan Graye and others. Seal attached. Shield bearing, quarterly, 1st and 4th on a chief three stars, with heart in base for Douglas; 2nd and 3rd a bend between six cross-crosslets, for Mar. Legend broken, but apparently "S. WILELMI DE DOUGLAS."

Borthwickshiels.

9. Charter by William of Douglas of Strabrok [Strathbrock] knight granting and selling to his son ["filio"] George of Cryghtoun of Carnys, his whole lands of Borthwykeschelys, in the barony of Chawmerlayn-newtoun within the sheriffdom of Roxburgh, for 400 merks Scots paid to the granter; to be held to George Crichton, his heirs and assignees, of Sir William and his heirs, for rendering yearly to him and his heirs the services due and wont, which Sir William and his heirs were bound to render to the lord superior. Witnesses, the Abbots of Calkow [Kelso], Melrose, Holyroodhouse and of Newbattle, James of Douglas lord of Abircorne, Sir James of Douglas lord of Dalketh, Sir Walter of Ogilvy and Sir Patrick of Ogilvy, knights; John of Fawside, James of Dundas and others. Not dated, but *c* 1425. Seal attached. Shield bearing ermine, on a chief two stars. Legend illegible.

10. Charter by George of Crechtoun of Blaknes, granting and confirming to his dearest cousin Andrew Ker laird of Altonburn, for advice and assistance given to the granter, the whole half of the lands of Borthwikeschelis, namely the northern portion of the same, with pertinents, lying in the barony of Chawmerlayne-newtown within the sheriffdom of Roxburgh; To be held to Andrew Ker and his heirs of the granter and his heirs in fee and heritage, for rendering to them annually three suits of court at three head pleas of the granter's court of Borthwikeschelis only for all other service. At Edinburgh, 2 January 1433 [1433–4]. Witnesses, Sir William of Crechtoun lord of that Ilk, knight, Master of the King's household, John of Newtown of Carloury and James of Parkle of that ilk. Seal wanting.

11. Letters of Obligation, written in the vernacular, by which "Stephine of Crechtoune of the Carnis and Jamis of Parkle of Lithgw" oblige themselves jointly and severally to "Andro Ker of Altoneburne" that "gefe it happinis the saide Andro or his airis to be inqueet distroublit or letit be the airis of quhilum Schir Willeame of Douglas of Hauthornedene or thaire assignez that the saide Andro na his airis may nocht wyse peseabli [brouk] the landis of Borthwic-

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schelis . . . the quhilkis ar analiit to the saide Andro and his airis be George of Creehtone of the Blaknes, we sal than be haldin and thareto stratli we oblice vs togeder and sindrily and our airis to mac to the saide Andro and his airis and ger thaim haue in pesable possessionne within the shereffdome of Louthiane tene pondis worth of land yerely til him and his airis alwais and quhilis that the saide George and his airis pay to the saide Andro or his airis ane hundreth marc of vsuel mone of Scotland in the Abbay of Jedwort, efter the tenour of ane euident made thareapone betuex the saide George and Andro." Dated at Edinburgh, 4th January 1433 [1433–4]. Witnesses, John of Neutone of Dalcove, John Clerc and Andro Inglis. [Stephen Crichton's seal, and the seal of Alan of Fairnile burgess of Edinburgh, on behalf of James Parkle are said to be appended, but both are now wanting.]

12. Charter by George of Creichtovne of Blaknes and of Borthwikschelis, knight, granting to Andrew Ker of Altonburn the half lands of Borthwickshiels as in No. 10 *supra;* to be held of Sir John Lindesay of Byris and of Chaumerlan-newtovne as superior, for rendering service due and wont. Dated at Edinburgh, 8th October 1444; witnesses, Sir William lord of Crichton, Chancellor of Scotland, and Sir Walter Scott, knights, Mr. George Schoriswod, Stephen Scott and Alexander of Hepburn. Seal attached. Shield bearing a lion rampant, apparently surmounted with a crescent for difference. [Two other writs relate to this. (1) Letters of resignation of the lands by Sir George Crichton into the hands of the superior, and (2) Another charter by Sir George, granting the whole lands of Borthwickshiels to Andrew Ker. This charter has the same witnesses as the preceding, and both writs are dated at Edinburgh on the same day, 15th October 1444. Seal appended to each.]

13. Lease by "Henry of Wod chaplane" setting and letting all and whole his "tenandry of lande of Hardenwod with the pertinentis lyande within the soyleze of Borthwicsheillis and in the barony of Chawmerlayne-newtone til my luffit frende Andro Kere lord of Awtounburne, for al the dayis and termez of nynetene yerris fullily to be compleit, pessabilli joyssande alhale and togeddir, entrande and begynnande at the fest off Witsonday next efter the date of thir lettrez for the male of twenty schillingis in the yere and for ilk yere of the saide nyntene yerris of the vsuale mone of Scotlande to be pait to me be the saide Androu Kere or his facturis or subtenandis at twa termez of the yere, that is to say Witsonday and Martynmes in wyntir, be twa ewynly porcionis, off the quhilk forsuth nynetene yerris male I graunt me wele content and payit beforhande be the handis of the saide Androu throu the deliverance and ressate of nyntene pundis," which sum the granter discharges; the lands to be held of him for the nineteen years. Dated at Edinburgh, 17th June 1445. Witnesses, Archibald of Douglas lord of Cavers, William of Douglas his son, Sir Walter Scott lord of the Buccleuch, David Scott his son, Alexander of Chesholme of that ilk, Master Philip Pyle, burgess of Edinburgh and Jedworde. [On the same date, Henry Wood granted a formal charter of the lands, to be held of John Lord Lindsay of the Byres as superior.]

14. Letters by Archibald Newtone of Dalcove bailie in that part of John Lord Lindsay of Byres, narrating that—in terms of a precept of sasine, dated at Edinburgh 14th May 1471, directed by John Lord Lindsay to Archibald Newtone of Dalcove and John Turnbull of Newhalburne as his bailies, to infeft Walter Ker, son and apparent

heir of Andrew Ker of Cesfurd, in the lands of Borthwikschelis and Hardenwode with pertinents, &c., as before described—the said Archibald, the precept being read gave sasine accordingly to the grantee in person. Done at the town [villa] of Borthwikschelis, 25 May 1471; witnesses, David Scott of Buccleuch, Andrew Ker of Cesfurd, Walter Scott, David Pringile, William Ker of Yhare, John Grimyslaw of Newton, James Riddale and William Grimyslaw. Fragment of seal attached.

Broxfield.

15. Instrument of Sasine, following on a precept under the quarter seal of King James the Fourth (dated at Falkland, 26 June 1490) in terms of a charter, for infefting Alexander Home of that Ilk, great chamberlain of Scotland in the whole lands and barony of Broxfield, with mill, &c., lying in the sheriffdom of Roxburgh, which barony was resigned by Andrew Lord Gray. Sasine given to David Ranton, son and apparent heir of David Ranton of Billie acting for Sir Alexander Home. Done on 20th July 1490 at a manor lying in "le Fluris" within the barony of Broxfield in presence of William Ker of Mersynton, Ralph Ker of Primsydeloch, George Gledstanes and others.

Caverton.

16. Indenture between "Howioun" of Fotheringham and Walter Scott as to the lands of Caverton. 23 June 1391.

"This endentoure mayd at Borthwyke the xxiij day off the moneth off June, the yere off gras a m° ccc lxxxxj witnes that it is accordit betwyn Wauter S[illegible]t on the ta part and Howioun [Hugh] off ffodrygame on the tothir part, that the fforsaid Wauter has tan the fforsaid Howiounys part off the landis off Cauerton ffor foure yere pessabel ffor xxxij mark off syluer off the quhilk he has payit hym xv mark in his hand and the laff off payment sal pay at the termys eftir foluand; and gyff it hapyn as God forbede it do that the fforsaid Wauter or his ayris be distrowblit in ony tym off the fforsaid foure yere be ony cause, than he or thai sal begyn agayn tyl thai or he haff joyssit the landis befforsaid ffoure yere pessabili; and I the fforsaid Howioun and my ayris obblych vs to the fforsaid Wauter and his ayris to hald this couand lelyly. In the witnes off the qwylk thyng we the fforsaid Wauter and Howioun has put oure seallis to this endentoure day yere and plas befforsaid." [Seal wanting.]

17. Retour of Inquest made in presence of Archibald of Douglas, sheriff of Roxburgh, by James of Ruderfurde, Thomas of Craniston, Walter Scot, Alexander of Newtone, Symon of Dalgles, George of Hoppryngile, Andrew Kere, James of Ormystoun Alexander of Scheysholme, William Turnbule, William of Ruderfurde, John Hage, William of Aynisle, James Kere, John Turnbule, John of Aynisle, Thomas Jonsoun, Richard Dauysoun and Thomas Crake, who being sworn declare that the late Hugh of Fothrynghame father of Thomas of Fothrynghame died last vest and seased as of fee, at the peace of the king, of the third part of the whole lands of Cavertoun as well mains lands as husband lands with the third part of the mills with pertinents except the tenandry called "Langis lande," within the sheriffdom of Roxburgh; and that the said Thomas is lawful and nearest heir of the said late Hugh his father, in the lands and that he is of lawful age; that the lands presently and in time of peace are valued at twenty marks

yearly and that they are held in chief of the Stewart of Scotland blench for one pair of gloves on the feast of St. James at Roxburgh, if asked; and that the lands are in the hands of the Stewart by the death of the late Hugh for the space of 26 years. Dated at Jedburgh, 17 January 1429–30. [Three seals still remain attached to the writ. The first bears the arms of Douglas of Cavers, the second the orle of Rutherfurd, while the third is illegible.]

18. Notarial Instrument narrating that John of Fothringame of Cavertoun, by his procurator, resigned into the hands of King James the Third, the whole lands of Cavertoun belonging to him, in the sheriffdom of Roxburgh, in favour of his son and apparent heir John of Fothringame. Done in the King's chamber of the Castle of Edinburgh, 11 July 1471.

19. Notarial Instrument narrating that John Fothringame lord of the third part of the lands of Caverton resigned the said lands of Caverton in favour of Walter Ker and his heirs. Done in the royal chamber of the monastery of Holyrood of Edinburgh 28 May 1473. [Three writs relative to this are (1) a formal Resignation in usual form by John Fothringhame of Caverton, Archibald Dundas of that Ilk, knight, James Shaw of Sauchy and William Roger of "Traeware" being his procurators; dated at Edinburgh 7th October 1472, with the granter's seal attached, three bars per pale; legend, "S. Johis Fothringhã." (2) A precept by King James the Third for giving sasine to Walter Ker of Cesfurd of the 20 merk land of Caverton, forfeited by Robert Lord Boyd; dated at Edinburgh 5th October 1484; and (3) Instrument of Sasine following upon said precept, dated 20th October 1484.]

20. Charter by Walter Ker of Cavertoun and lord of Honome [Hownam], whereby for the honour of God, the Virgin Mary, St. Katherine, and the Saints, for the soul of the late King James the Second, the granter's own soul, &c., he with consent of Robert Abbot of Kelso and convent, founds, constitutes and ordains a perpetual chaplainry at the altar of the foresaid St. Katherine the Virgin within the church of the monastery of Kelso on the north side of the same for a perpetual secular chaplain, for whose yearly sustenance the granter gives an annual rent of twelve merks Scots from his lordship of Caverton, and another annual rent of three merks from his lands of Hownam, within the sheriffdom of Roxburgh, the money to be uplifted by the chaplain at two terms in the year. The chaplain shall be bound to continual residence under pain of loss of the said chaplainry, and he shall not substitute anyone but he shall minister personally; and if he be promoted to a better benefice he shall vacate the chaplainry. The granter also wills that in the event of a vacancy, he and his heirs shall grant the vacant chaplainry to a fit secular within forty days, but if they neglect to present within that time, the said Abbot and convent shall present it to a fit chaplain, though in the meantime the convent shall have no right to retain or convert to their own use the sustentation. With clause of warrandice. Edinburgh, 5 December 1475. Witnesses, Robert Abbot of Kelso, Robert Abbot of Jedburgh, David Scott of Buccleuch, George Douglas of Bongedward, John Anysle of Dolphingston, Master Gawin Vaich vicar of Calder-clere and others. [Another charter in similar terms was granted by "Walter Ker of Cesfurd and lord of the barony of Aldroxburgh" on 20 October 1488, by which he gives for the chaplain's support 20 merks yearly from his lands of Ald Roxburgh, with necessary fuel from Caverton.]

21. Charter by Alexander Layynge of Cavirtoune granting and alienating to Andrew Ker of Altonburne his husbandland lying in the town and territory of Cesfurd, which is commonly called "Langis land," within the sheriffdom of Roxburgh; To be held to Andrew Ker and his heirs from the grantor &c. of the King, for one penny blench payable on land of Cesfurd if asked. Dated at Stirling, 28 March 1446; Witnesses, Sir William lord of Crechtone, Walter Scott of Buccleuch, knights, William of Crechtone, David of Crechtone, squires, Gawin Brady vicar of Kippen and John Hudson, chaplain. Seal attached. Shield showing a bend charged with three crescents, a mollet in the sinister chief. Legend, "S. ALEXANDRI LAYNG."

Cessford.

22. Charter by King Robert the Bruce, granting to William of St. Clair of Hirdmanstoun, knight, for his homage and service the whole barony of Cesseworth with the mill of the same, and with all pertinents except the land which Edmund Marescall has, by the King's gift, within the said barony; to be held to the said William and his heirs of the King and his heirs in fee and heritage (excepting only to the King the tenandry held by Edmund Marescall) for the service of four archers in the King's army and a suit of court at the court of the sheriffdom of Roxburgh. At Arbroath 10th June A.R. 20 [1325]. Witnesses, Bernard Abbot of Arbroath, chancellor, Duncan Earl of Fife, Walter Stewart of Scotland, James lord of Douglas and Alexander Fraser, chamberlain, knights. Fragment of Great Seal appended. [This charter does not appear to be recorded in the extant register of the Great Seal.]

23. Charter by King Robert the Second, granting to Walter of St. Clair, the whole barony of Cesseworth with mill, except the land held by the late Edmund Marescall from the late King Robert Bruce, which barony was resigned by John of St. Clair of Hirdmanston; to be held to the said Walter in fee and heritage, for the services due before the resignation. Dated at Perth 8th March A. R. 6 [1376]. Witnesses, William, Bishop of St. Andrews, John Earl of Carrick, the King's eldest son, Steward of Scotland, Robert earl of Fife and Menteith the King's son, William Earl of Douglas, John of Carrick, chancellor, James of Lyndesay the king's nephew, Alexander of Lyndesay and Robert of Erskyne, knights. Portion of great seal appended. [This charter is on record, but the names of the witnesses are not given in the register.]

24. Act of General Council held by Robert Duke of Albany at Perth 20 March 1415–6, as to the lands of Cessford. Actus consilii generalis domini Roberti Ducis Albanie comitis de Fyfe et de Menteth ac regni Scocie Gubernatoris, tenti apud Perth in mense Marcii, anno Domini millesimo quadringentesimo decimo quinto et gubernacionis sue decimo, penes querelam domini Willelmi de Cokburne militis, clamantis se tenentem domini nostri regis racione sponse sue filie et heredis quondam Walteri de Sancto Claro militis, de terris baronie de Sesworth infra vicecomitatum de Roxburgh, in quibus terris baronie predicte asseruit dictam sponsam suam per breuia cancellarie domini regis debita intrasse et in possessione legitima perstitisse, licet alias Willelmus de Douglas de Aldroxburgh miles asserens dictam baroniam de Sesworth de ipso teneri in capite ipsos Willelmum de Cokburne et sponsam suam in possessione sua perturbauerit minus iuste: Quemquidem Willelmum de Douglas militem fore dominum superiorem dicte baronie de Sesworth idem

Willelmus de Cokburne pro se et sponsa sua predicta sepius ut asseruit disclamabat, prout tunc coram dominis de consilio publice disclamauit; Requirens cum instancia debita prefatum dominum gubernatorem et suum consilium sibi super premissis de oportuno remedio prouideri. Cuius quidem Willelmi de Cokburne militis audita querela lectisque cartis infeodacionis dictarum terrarum recolende memorie dominorum Roberti primi et Roberti secundi regum Scottorum illustrium sigillis suis roboratis, domini de consilio decreuerunt quod idem dominus gubernator superioritatem baronie predicte de Sesworth per vicecomitem de Roxburgh in manus suas recognosci faciat indilate, dictumque Willelmum de Cokburne tanquam tenentem regis racione dicte sponse sue in possessione dictarum terrarum suarum manuteneat et defendat; quodque dictum Willelmum de Douglas militem qui est in transmarinis partibus ut refertur si et quando ad partes venerit per suas literas patentes summoneri faciat quod compareat ad certos diem et locum calumpnie domini nostri regis et sue super purprestura predicta debite responsurus. Datum sub testimonio magni sigilli dicti domini gubernatoris apud Perth vicesimo die mensis Marcii anno quo supra.

25. Notarial Instrument narrating that in presence of the notary and witnesses an honourable man, Alexander of Cokburne, presented to Master Philip Pyle depute of Sir Archibald of Douglas, knight, sheriff of Teviotdale, an attorney from the royal chancery in which Alexander was named among others, which being received, read and admitted, he presented a precept of sasine from the royal chancery directed to the depute himself for giving to the attorney or attorneys of Christian Sinclair, spouse of the late Sir William of Cokburne, knight, heritable sasine of her lands whatsoever of Cesfurde with pertinents, according to the tenor of a charter of entail confirmed to her by the King. The said Master Philip having read the royal letters, viz., the attorney, letter of sasine and charter of entail, commanded the King's sergeant, William of Grymyslaw to assign heritable sasine of the said lands to the said Alexander Cokburne in name and on behalf of the said Christian, his mother, which the sergeant did in due form. Done in the town [villa] of Cesfurd in a building of the same, on the 10th November 1441; witnesses, Andrew Ker younger, Adam Scot, Ralph Tayte, Thomas Tayt, Gilbert Mossy, William Scot, John Scot his son, Robert Gibson and James Chawmyre.

26. Charter by James Lord "le Hamyltoune," knight, granting to his kinsman Robert of Grahame, son and heir of Marion of Olyfawnt, for service done and to be done, his whole lands of Cesfurd with pertinents, lying within the sheriffdom of Roxburgh, which lands had belonged to the said Marion and were resigned by her in the hands of the King who had regranted them to Lord Hamilton; To be held, the said lands to Robert Grahame and the heirs of his body, whom failing to Walter Grahame, his brother-german, whom failing to Patrick Grahame and Umfrid Grahame also brothers german, and the heirs of their bodies respectively, of the granter and his heirs in fee and heritage, for rendering a white or red rose at Midsummer on the ground of the lands, if asked; reserving to the said Marion her liferent. Dated at Bothwell, 24th February 1446-7. Witnesses, John Hamyltoune, brother-german of the granter, Arthur, James and Alexander of Hamyltoune, his kinsmen, William of Cleland of that Ilk, Sir George Vicaris the granter's chaplain and Sir John of Mousfald, vicar of Glasgow choir. Seal attached, shewing three cinque-foils. Legend "S. Iacobi Domini Hamilton."

27. Charter by King James the Third, granting to his faithful Andrew Kerr of Altonburne, the whole lands of Cesfurd, with all pertinents and annexations formerly annexed and united to the said lands or barony of Cesfurd; also twenty marks of lands in Cesfurd, which Andrew Kerr had acquired from James Lord Hamilton; lying in the sheriffdom of Roxburgh—which twenty merk lands the king annexes and incorporates with the pertinents of the said barony; which barony belonged to Andrew Kerr and was resigned by him in the King's hands; to be held to the said Andrew for his life and after his decease to Walter Ker, his son, and the lawful heirs-male of his body, whom failing to Thomas Ker and Mr. Robert Ker brothers of Walter, and the lawful heirs-male of their bodies, &c., as freely and for all services as before the resignation. At Edinburgh, 27 April 1467. Witnesses, Andrew Bishop of Glasgow, Thomas Bishop of Aberdeen, Andrew Lord Avandale, chancellor, Colin Earl of Argyll, master of household, Robert Lord Boyd, Robert Lord Lile, Messrs. James Lindsay, provost of Lincluden, keeper of privy seal, David Guthrie of that Ilk, comptroller, and Archibald Whitelaw, dean of Dunbar, secretary. [This Charter does not appear in the extant register of the Great Seal. It was followed in due course by a precept of sasine, on which infeftment was given on 29th October 1467, at the gate of the castle of Cesfurd, William Pryngil constable of said castle, and others being witnesses.]

28. Renunciation by Margaret Ker of her rights to the barony of Cessford, beginning "Be it kend till all men be thir present lettres me Mergret Ker, the dochter of vmquhile Androu Ker, sone and apperand are to Andro Ker of Cesfurde, now being in my pure virginite and at lauchfull aige of myn awin fre will with the counsale and avise of my maist tender and nerrest frendis, that is to say, a reuerend fadir in God, Thomas bischop of Aberdene, Patric lord Halis, maister Archibald of Quhitlaw, secretare to oure souerane lord, Schir Patric Hepburn of Dunsyare, Schir William of Knollis, preceptour of Torfichin, knychtis, Archibald Froster of Corstorfyne and Mergret Lady Dirltoun, my moder, for the fauour and hertly lufe that I haue to my derrest eme Walter Ker of Cauertoune and for ane obligatioun deliuerit be the said Walter and ressauit be me of the soume of aucht hundreth merkis of the vsuale mone of Scotland vnder his sele and vnder the selis of Dauid Scot of Branxhaim, Andre Ker of Cesfurde, Dauid Pringill of Smalehaim and Patric of Murraye of Faulohill, to be pait to my marraige, to haue quit-clemyt and renuncit," as she in due form renounces all right or claim she may have to succeed to her father, or to her grandfather Andrew Ker, and specially all claim to the barony of Cesfurde, with its pendicles, Borthikschelis, Hownum mains, Hyndhope, the Feu of Roule, Donypace, Glenquhim and all other lands that might belong to her by reason of heirship or succession; so that Walter Ker or his heirs either of line or tailzie may possess and enjoy the said barony. The granter binds herself not to infringe this contract in any way, under penalty of 1000 merks payable to Walter Ker, 1000 merks to the King and 500 merks to the work on the church and bridge of Glasgow. At Edinburgh, 6th November 1479; witnesses, James of Reddale of that Ilk, Adam Hoppringle of Burnhouse, Sir David Lutherdale, archdean of Dunkeld, and others. Seal wanting.

29. Charter by William Cokburne of Skirlyne, granting and alienating to Walter Ker of Cesfurde his whole lands of the barony of Cesfurde in the sheriffdom of Roxburgh; to be held from the granter

of the King in fee and heritage, for the services due and wont. Dated at the burgh of Jedburgh, 22 November 1493; witnesses, Robert Abbot of Kelso, John Edmonston, son and apparent heir of John Edmonston of that Ilk, Walter Scott of Buccleuch, James Cokburn and John Anislie. The writ is said to be signed, but only the granter's seal is attached. Legend, "S' Dni Wilelmi Kokbvrn," bearings undecipherable.

Lands of Graden.

30. Retour of Inquest (with the royal brieve attached, of date 14th May 1600) made before Robert Turnbull, sheriff depute of Roxburgh, by Andrew Ker of Greneheid, Andrew Ker of Lyntoun, Thomas McDowell of Stodryg, Ralph Ker of Schaw, Lancelot Ker of Gaitschaw, Andrew Ryddell of that Ilk, Gawin Ellot of Stobbis, Andrew Douglas of Tempindene, Robert Ker of Melrois, Thomas Ker of Cavers, George Rutherfurd of Phairnyngtoun, John Halyburtoun of Muirhouselaw, James Anislie, John Alensone and William Browne, bailies of the burgh of Jedburgh, who being sworn, declare that the late William Ker of Cesfurd, father of Sir Robert Ker now of Cesfurd, knight, died last vest and seased as of fee at the peace of the king in the lands of Graden, within the barony of Lyntoun and sheriffdom of Roxburgh, and that Sir Robert Ker is the lawful and nearest heir of his father and is of lawful age; that the said lands now and in time of peace are valued at ten pounds yearly and that they are held in chief of Lord Somervell in blenchfarm for rendering a white rose on Midsummer day; that the lands are now in his hands and have been since the death of the late William Ker in February last, or about five months. Done in the tolbooth of Jedburgh 3rd June 1600. Five seals are attached, but the impressions are very faint.

Lands of Hownam, &c.

31. Charter by Mariota of Lawedre, spouse of Sir Alexander Home of that Ilk, knight, granting, with special consent of her husband, to Andrew Ker of Altovnburne, her mains lands of Hownowm, lying in the sheriffdom of Roxburgh; which mainslands belonged to Marjorie, Isabella, Janot and Ellen of Roule, sisters, in heritage, and were formally resigned by them in presence of the under-named witnesses; to be held the said lands to Andrew Ker, his heirs and assignees, of the granter and her heirs in fee and heritage, for rendering one silver penny yearly at Pentecost, if asked. Dated at Dunglas, 20th June 1443; witnesses, Adam of Hepburn lord of Halys, Sir Patrick of Hepburn lord of Valuchtoun [Wauchton], Sir David of Home lord of Wetherburn, knights, William of Setoun, son of the late Sir Alexander of Setoun lord of Gordoun, Robert of Lawadre of Eddringtoun, William of Hepburn, David of Home, son and heir of the said Sir David of Home, George of Home, and Thomas of Home.

32. Notarial Instrument narrating that in presence of the notary and witnesses, a noble man, Henry Wardlaw of Torry freely admitted and openly and publicly acknowledged that he had received by the hands of George Twede in name of Walter Ker, son and heir apparent of Andrew Ker of Cesfurde, the sum of two hundred and forty merks Scots, in ancient payment and money for the lands of Hounname, upon which George Twede asked instruments. Done in the dwelling-house of Thomas Folkert in the burgh of Edinburgh in presence of Thomas Folkert, Mr. Henry Martin, William Pringil, Walter Wardlaw,

Thomas Ker, Alexander Pringill, Henry Levingston of Manerston and others, on 20th May 1468.

33. Notarial Instrument narrating that in presence of the notary and witnesses, a prudent man John Ker in Caverton showed and declared that he held heritably three husband lands with their pertinents, lying in the town and territory of Hownum, within the sheriffdom of Roxburgh; which done, he duly resigned the lands into the hands of Walter Ker of Cesfurd, his overlord, to dispose of the three husband lands at his will. Done in the monastery of Kelso at 10 a.m. on 20th April 1489; witnesses, John Wauch, John Atkynson, John Robsoun and John Waik, perpetual vicars respectively of Ednam, Morton, Maxwell and Bolden, with others.

Bailiary of Jedburgh Forest.

34. Indenture made between George Earl of Angus, lord Douglas, and warden of the East and Middle marches of Scotland, and his right well beloved cousin Andrew Ker of Cesfurd, to the effect that the said lord shall make Andrew Ker his bailie of his lordship of Jedworth Forest during "al the dayis of the said lord and Androis lyfis," with full powers, and shall cause his men of the lordship do service to him next himself and obey him as they ought to do to their bailie. The said Andrew shall have the manor of "Lintole" [Lintalee] for his residence, but shall lease no lands save with the Earl's advice, nor receive any of the Earl's rents, but shall suffer the officers to deal therewith at the Earl's order, and he shall truly minister in the said office "for al the said tyme for the said lordis worschip and his avale, and the profyt of the cuntre": For which things the said Andrew is become man to the said lord, "before al that lyf or de may," the king and queen excepted, like as he had made bond of service before, truly to serve the said lord during their joint lives; and the said lord shall give him his bond of maintenance. The parties give their "gret athis, bodily sworn" to keep the contract. In witness of which the Earl sets his seal to one part of this indenture while to the other part is set the seal of David Hoppringill of Pilmuir because Andrew Ker had no seal of his own present. Dated at Jedburgh, 7th December 1457; witnesses, Schir Walter Scot, David Scot and others. Signed "Georg erl of Angws, etc." Seal affixed, somewhat broken.

Bailiary of Barony of Kelso.

35. Letters granted by Robert Abbot of Kelso, with consent of the convent, conferring upon Walter Ker of Caverton, son and heir of Andrew Ker of Cesfurd,—for his services and specially in recompense for his gift to the Abbey of fuel from the moor of Caverton, namely "le turf, pete, hathir, cole and brume" necessary for the Abbey,—the offices of Justiciary and Bailiary of the whole lands of the barony of Kelso and of the lands and lordships of Sprouston and Reddane and of the barony of Boldane [Bowden] and all other lands of the Abbey within the sheriffdom of Roxburgh, also of all their lands of Ugstoun, Home, Gordoun, Bothel, Harnhede and all others in the sheriffdom of Berwick, and of their barony of Dodynston and lands of Hundby lying in the sheriffdom of Edinburgh and constabulary of Haddington; with a fee of £10 Scots yearly, to be uplifted from the lands of Bowden; To be held the said offices, with fee, to the said Walter Ker, whom failing to

his brothers, Thomas, William and Ralph, and to the heirs male of the body of each in succession. With the usual powers of justiciary and bailiary. Dated at Kelso, 1st October 1478. Signed by the Abbot and by seventeen members of the convent.

Magdalens near Linlithgow.

36. Notarial Instrument narrating that in presence of the notary and witnesses, an honourable man, John Skot, and Elizabeth Gudsuane, his wife, appeared and produced a precept of sasine (dated at St. Andrews, 10 January 1503–4) by John, Prior and convent of St. Andrews, narrating that Andrew Skot, burgess of Linlithgow died last vest in one acre of land "terre ruralis," lying in Magdaleneside between the land of Patrick Ka on the west and the land of Thomas Forest on the east, that the said John Skot, his son, is his lawful and nearest heir, who had petitioned that Elizabeth Gudsuane in her virginity should be placed along with him in fee and possession of the said acre of land, in terms of which petition the prior directed sasine to be given. Sasine given accordingly on the ground on 25 January 1503–4. [Two other Instruments both dated 17th October 1505 show that John Skot, heir of the late Andrew Skot, with consent of Elizabeth Gudsuane, his wife, sold to Robert Danzelstoun, burgess of Linlithgow, two perticates of arable land lying in said burgh on the north side of the High Street between the land of Patrick Ka on the east and the land of John Cowper on the west; other two perticates lying at the end of the land of the Madyr yards, which the late Thomas Leston held on the west the King's highway on the north and the King's lands on the east; and other two perticates of land lying between the lands of Thomas Bertilmew on the west and east, and the common way which leads to the Blackness on the south. Another writ discharges a sum of money paid by Danzelstoun for five acres of land, of which "ane akyr lyis in the Magdalenne side and haldyne intill chieff of the priour and conuent of Sanctandrois, ane pese of errabill land that lyis beneth the Magdalenne Corse onne the nedder pairt, the third pese lyis ane estald the maddyr yard, twa riggis that lyis ane estald Gillans berune, with the half of the Bernishill with the pertinents that is haldyne intill chieff of the Abbot and Convent of Hallirudhous . . . in the berrony of Brochtoun and withyne the constabillry of Edinburgh and Lithgow." Dated 24th December 1505. Signed "Jhone Scot manu ꝑpa." Seal attached. Legend, S. IOHANNIS SCOT. Device on shield, partly obliterated.]

Plenderleith and Hindhope.

37. Precept by Laurence Lord Abirnethy in Rothimay, baron of the barony of Prenderlath, directed to George of Ormystoun of that Ilk and John Robsone as his bailies for giving sasine to Andrew Ker of Altonburne of the lands of Prendyrlath and Hyndhope lying in said barony in the sheriffdom of Roxburgh, which lands belonged in heritage to Marjorie, Isabella, Jonet and Ellen Roule, sisters, daughters and heiresses of the late Andrew Roule, and were duly resigned by them. Dated at Jedburgh, 12 February 1454–5; witnesses, Sir Walter Scot of Buccleuch and Sir Simon Glendynwyn of that Ilk, knights, William of Douglas, Stephen Scot, Robert of Gledstanys, Archibald of Rutherford, John Anysle and Thomas Brown, clerk. [The granter states that in the absence of his own seal he had procured that of Sir Archibald of Douglas, knight, sheriff of Roxburgh, but it is now wanting.]

38. Charter by William Lord Abernethy in Rothimay, granting and confirming to Walter Ker, son and apparent heir to Andrew Ker of Cesfurd, the lands of Hindhope lying in the granter's barony of Prenderlath in the sheriffdom of Roxburgh, which was resigned by the said Andrew Ker; the lands to be held to Walter Ker, whom failing to each of his brothers Thomas, William and Ralph Ker and the heirs male of their bodies respectively, of the granter and his heirs, in fee and heritage for services used and wont; reserving to the said Andrew Ker his life rent and a reasonable terce to his wife. Dated at Edinburgh, 15 May 1471; witnesses, Mr. George Abernethy, provost of the collegiate church of Dumbarton, James Abernethy, brother german of the granter, John Newton of that ilk, Robert Rutherford of Chatto, John Anisle of Dolfinston, William Cokburne of Newhall and Thomas Unthank, notary public. Seal wanting.

Primside.

39. Charter by Archibald Earl of Douglas and of Longavile and lord of the regality of Sproustoun, confirming letters (dated at Primside on Sunday 4th June 1430) by which Andrew Roule lord of Promside in consideration of one hundred pounds Scots borrowed by him from Andrew Ker lord of Aldtonburne, leases to Ker, his heirs, executors and assignees the lands of Promside "lyand in the south side of the toune of the Promside as the hee wai liis fra Lyntoun loch to Promsid yhettis and so furth to the watter of Bowbentis [Bowmont] be riehtwis and ald marchis and methis, and twa husband landis lyand on the north side of the town of Promside, the quhilk is callit James Keristak," the lease to endure for nine years for 12 pennies Scots of yearly maill with engagement to repay the £100 at the end of the nine years on the high altar of St. Mary's Kirk at Hawick; but if the sum be not then paid the lessee shall re-enter to the lands for other nine years, and so on till the money be paid; under a penalty of £20 Scots to be paid to the "kirkwerk" of Glasgow, and of other £20 to be paid to Andrew Ker or his heirs, in case of any impediment to the lease being made by the said Andrew Roule. Which lease the Earl of Douglas ratifies in all points at Bothwell 26th January 1429 [1430]. Seal attached, in good condition. [The dates of the Charter and the lease are confusing, and one or other must be erroneous. Sunday fell on 4th June in the year 1430, which is the date of the lease, but this does not agree with the date of the Charter. Which is wrong cannot be ascertained, though as the 4th June of the year 1413 was also a Sunday, that may be the correct date of the lease.]

40. Notarial instrument narrating that John Turnbulle of le Fultoun, bailie of the regality of Sprouston, at the command of Archibald Duke of Touraine, Earl of Douglas, &c., passed to the lands that formerly belonged to Andrew Roule of Primside in the town of Primside and regality of Sprouston, in the sheriffdom of Roxburgh, and after resignation by the said Andrew, gave sasine of the lands to George of Roule his son and heir and Margaret Ker, daughter of a prudent squire Andrew Kere of Awtonburne, pretended wife of George and to the longer liver of them. Done at the chief place of the lands 28 April 1432; witnesses, Adam Spendluffe chaplain, John Twedy, Richard Kere, Andrew Kere, James Turnbull, Henry Anysley, squires, William of Hawdene, Thomas Coltart, John Madur, James Portuse, John Portuse, Thomas Strang, Gilbert Yole, William of Bellendene, William Chatto, James Yong, William Broun, James Knychson, John Broun, William Androson,

John Folcart, William Lawson, Robert Gibson, John Chatto and Robert Broun.

41. Confirmation by Archibald Duke of Touraine, Earl of Douglas, &c., by which after inspecting the writ in his hands in presence of his council, he ratifies a charter (dated at Edinburgh, 20th November 1430) by Andrew Roule lord of Prymside, with consent of George his son and heir, granting and selling to Andrew Ker lord of Awtounburn, his ten husbandlands of the Maynis lying on the south half of the town of Primside (the same lands as those named in No. 40 *supra*) and if they did not extend to ten husbandlands, the deficiency was to be supplied from the granter's lands on the north side of the town; to be held to Andrew Ker his heirs and assignees in fee and heritage for ever, for rendering to the overlord service due and wont. Confirmation dated at Ethebredscheillis, 6th August 1432. [Witnesses to Roule's charter Archibald of Douglas, lord of Cavers, James Ruthirfurde of that Ilk, Thomas of Crenniston of that Ilk, William of Liberton, provost of Edinburgh, Alexander Naper, John Barcare and Henry Dempstar, bailies there, and others. Witnesses to the Earl's charter, William Abbot of Kalko [Kelso], James of Douglas lord of Balwany, Walter Scott of the Bukcluch, and James Ormeston of that Ilk. Earl's seal attached.]

Other writs relating to the foregoing are (1) A letter of procuratory by Elena Roule of Prymside appointing her husband Thomas Yonge, Stephen Scot, Thomas Gleddistanis and others, as procurators to resign her part of Prymside, as one of the heirs of her father the late Andrew Roule into the hands of Archibald Duke of Touraine, &c., superior. Dated at Kelso, 14 April 1439. (2) Charter by Archibald Duke of Touraine granting to Andrew Ker of Altonburn, the lands of Primside, resigned by Marjorie, Jonet and Elena Roule, daughters of the late Andrew Roule. Newark "Le Newerk" 4th May 1439; witnesses, Sir William Crichton of that ilk, chancellor of Scotland, Master John of Railston rector of Douglas, the Earl's secretary, Thomas Cranston of that ilk, Alexander of Narne, Robert of Gledstanes and John Turnbull of Langtoun, constable of "le Newerk." The Earl's seal attached. (3) Precept of sasine thereupon. Same place and date. (4) Charter by William Duke of Touraine, &c., granting to Andrew Ker of Altonburn the four parts of Prymside resigned by Marjorie, Isabella, Jonet and Elen Roule, the four daughters of the late Andrew Roule. Dated at Edinburgh, 18 February 1439–40; witnesses, Sir Laurence Abernethy of Rothimay, Sir John Maxwell of Calderwood, Sir George Campbell of Loudoun, Sir James Auchinleck of that ilk, knights, Master John of Railston, Master Thomas Spens, the Duke's secretary, Alexander Narn, James Rutherford of that ilk, Thomas Cranstown of that ilk, William Murray of Cranston and John Murray of Cranston.

42. Charter by Andrew Ker lord of Altonburn, with consent of Andrew Ker his son and heir, granting to James Ker his son, certain his lands of Prymside "jacentes by rendale cum terris Thome Ker filii mei et infra regalitatem de Sprouston infra vicecomitatum de Roxburgh, valentes quinque libras vsualis monete regni Scocie per has diuisas, videlicet, Incipiendo ad lacum de Lyntoun versus orientem, transeundo rectam viam vsque ad januam orientalem de Prymside et sic descendendo per morrasium vsque ad fossatum siue siketum et vsque ad viam que tendit vltra fossatum et sic per viam rectam vsque ad marchias de Yhethame vsque ad cumulum lapidum apud Prymside yhettis, et sic eundo vsque ad ly Bolbent et deinde ad marchias de Clyftoun et a dictis

marchiis de Clyftoun vsque ad quatuor lapides jacentes in ly Swyre, qui lapides stant in marchiis terrarum quatuor dominorum, et sic ad marchias que transeunt inter Grubbat et Prymside vsque ad album lapidem, et sic eundo vsque ad tres lapides jacentes in cono cuiusdam vadi seu transitus aque et sic eundo vsque ad lacum de Lyntoun" with the mill of Prymside and a halfmerkland adjacent to the mill, except what the granter reserves to himself as overlord; To be held to James Ker and his heirs in fee and heritage, rendering to the granter and his heirs services due and wont. Dated at Caverton, 27th August 1444. Witnesses, William Abbot of Kelso, Master Robert Penven, rector of Sowdon [Southdean] and Sir Thomas Wichtman, vicar of Malkarston.

43. Retour of Inquest made in presence of William Earl of Douglas and Avandale, lord of Galloway and of the regality of Sprouston, by Sir Walter Scot, knight, James Rutherfurd of that Ilk, James Rutherfurd, James Ormyston, Archibald Newton, George Ormyston, John Turnbull, William Murray, John Murray, James Hog, Adam Turnbull, Norman Fawside, John Makmoryn, Bernard Hawden and James Cranston, who being sworn, declare that Andrew Ker, late father of Andrew Ker bearer hereof, died last vest and seased as of fee at the peace of the King of four parts of the whole lands of Primside, and 13/4*d.* of annual rent to be uplifted yearly from the fifth part of the said lands, lying in the regality of Sprouston, &c.; that Andrew Ker is the lawful and nearest heir of his father in said lands, and is of lawful age; that the said four parts were valued yearly at 24 merks and are, with the annual rent, held in chief of the earl as baron of the said regality; and that they have been in his hands since the decease of the late Andrew Ker about two years from Christmas last past. Done at Newark, 1st March 1446 [1447]. Seven seals are appended. The first is that of the Earl of Douglas, much broken. Two seals bear the cognizance of Rutherford—an orle and in chief three martlets, while two bear the bull's head of Turnbull. The sixth seal bears a saltire engrailed and on a chief three mollets. Legend, "S. VILELMI DE MORAY," and the seventh bears the arms of Murray of Falahill—a hunting horn stringed, and on a chief three mollets. Legend, "SIGILLUM IOHANNIS DE MURRAY."

44. Charter by Walter Ker of Cesfurd, in favour of James Ker, son and heir apparent of George Ker of Lyntoun, granting to him the same lands with the same boundaries, Lancelot Ker being the adjoining proprietor. Dated at "Halidane" 30th November 1537; witness, *inter alios*, Robert Ker, brother german of Walter Ker of Graden. Signed "Walter Ker of Cesfurd wy^{t} my hand at ze pen." Seal wanting. [The usual precept of sasine, same place and date is also in the charter chest.]

Sprouston.

45. Precept by Archibald (fourth) Earl of Douglas, directed to James of Gledstanis, his bailie in that part of the regality of Sprouston, commanding him to give sasine to the earl's squire John of Cranistons, son of the late Sir William of Craniston lord of that ilk, in £20 worth of land granted heritably to him by charter in the town and territory of Sprowistoun in the regality of the same, on the west side of said town, extending lineally from north to south. At Edinburgh, 4 November 1403.

MSS. OF DUKE OF ROXBURGHE.

46. Charter by Archibald Duke of Touraine (fifth) Earl of Douglas &c. granting the same lands (tenandries if any be in that part, excepted) to Thomas of Cranstoun of that ilk; to be held to him and the heirs male of his body of the Earl and his heirs in fee and heritage, for services due and wont. Edibredschellis, 2 August 1432; witnesses, James Douglas of Balvany, the earl's uncle, William Crichton of that ilk, knight, Patrick Livingston of that ilk, James Livingston, son and heir of the lord of Calandar, Alexander Hamilton of Edalwood, David Murray of Neuton, George Murray of Blackbarony and Alexander Murray of Cranstoun. Seal attached. [A precept follows same place and date.]

47. Letters by Archibald Duke of Touraine &c. by which for the honour and praise of God, the Virgin Mary and St. John the Baptist, for the weal of his own soul and that of Eupheme his spouse, &c. he gives and confirms to the prior and convent of the Charterhouse "domus vallis virtutis" of the Carthusian order near the burgh of Perth, the lands comprehended in the following marches, viz., "Incipientes ex parte orientali a Scurrikrag et ascendentes per ffogleburne vsque ad Cocardene et sic extendentes versus oriens per marchias terrarum monasterii de Kelsou vsque ad terras de Reddane et sic vltra versus austrum vsque ad marchias terrarum de Hawdane; et ex parte occidentali incipientes ad le Hall yardis et exinde extendentes versus boriam ad aquam de Tweide, vna cum omni libertate et vsu dicte aque et sic sursum Pakouburne sicut Yenisdene se extendit versus austrum vsque ad Murikluch, et a le hede de Murykluch extendentes versus austrum vsque ad marchias de Lempatlaw et postremo extendentes vsque ad Hawdane stanke, jacentes in baronia de Sproustone infra vicecomitatum de Teuidale;" to be held to the prior and convent and their successors in pure and perpetual alms, with bonds, bondages, natives and their sequels, peat bogs &c. fees & forfeitures &c. justiciary high & low &c., without any tolls, subsidies, taxes or contributions, for offering continually the voice of supplication to God for the granter and the souls above named. Dated at Edibredschelis, 2 February 1433-4; witnesses, Henry Wardlaw, bishop of St. Andrews, Robert of Cardeny bishop of Dunkeld and John Crannok bishop of Brechin, Mr. John Fogo abbot of Melrose, William Douglas Earl of Angus and Alexander Stewart Earl of Mar, James Douglas of Balvany, Archibald Douglas sheriff of Teviotdale, Nicolas of Rutherfurd, George Pringill and Alexander Pringill, squires. Seal attached. [Precept of Sasine, same place & date, directed to Sheriff of Teviotdale.]

48. Letters of Sasine (in the vernacular) by Archibald Douglas sheriff of Roxburgh, certifying that in terms of the precept by the Earl of Douglas, he caused his brother Duncan Gray, sheriff depute give sasine to Friar John of Bute of the order of the Charterhouse, procurator for the prior and convent of the same called the "wale of wertew" beside Perth, of the lands named in the Earl's charter. Edinburgh, 18 March 1433-4. Seal attached.

49. Charter by William (eighth) Earl of Douglas granting to Thomas Cranston of that Ilk the Earl's lands on the west side of the town of Sproustoun, between the lands of the said Thomas on the west and the lands held from the Earl by the Carthusian monastery on the east, according to the old marches, from the water of Tweed ascending by the burn called Pakokburn to a cairn above the town and thence by known and old marches to the common pasture of the town, with the

mill of said town ; reserving to the Earl his capital messuage of the regality of Sproustoun situated within the lands granted: To be held for ward and relief. Dated at Stirling, 10 May 1446 ;witnesses, Mr. James Lindissay of Covington, the earl's secretary, Alexander Home of that ilk, James Achinlek of that ilk, David Home of Wedderburn, knights, John Murray of Falahill, Archibald Haliburton, James Douglas and Adam Turnbull. Seal attached. [Letters of Sasine also were given by John Murray of Falahill certifying that he had delivered sasine of the lands. 16 May 1446. Seal attached.]

50. Letters by King James the [Fourth?] directed to the Sheriff of Roxburgh, narrating that his "deuote oratouris," the prior and convent of the Charterhouse, had shown that they were infeft by his progenitor and "forgrandschir" King James the First in a part of the lands and barony of Sproustoun lying beside the Abbey of Kelso, which lands "the Abbote of Kelso has, of tollerance and without ony assidacioun or tak of the saidis prior and convent, be the space of xxx yeris bipast with the mare and tendis nocht to tak the samyn of thaim bot pais yerlie therfor bot at his plesour, and swa throu the persut and ingetting of the proffitt thai haue of the saidis landis thai man mak yerlie als mekle expens as thai get of proffitt; and attour throu the vse that the said Abbot has had of the saidis landis without assidacioun of the saidis prior and convent, thai haue na perfit knaulege of thare bovndis of thare saidis landis to thare grete dammage and skaith and contrare iustice;" for which the king directs the sheriff to warn the Abbot and Convent of Kelso to desist from labouring the lands unless they can show a sufficient lease. Given under the signet at Stirling the 23rd September, year of reign 16. [1503 ?]

Teindside.

51. Notarial instrument certifying that Oswald Abernethy personally appeared in an open court ("in plena curia") held at Neuwerk before a mighty and potent lord William Earl of Douglas and Avandale, lord of Galloway, and in presence of a notary and witnesses publicly and solemnly asserted that he did not claim or challenge any man in special to be his lord superior of the lands of Tenside and Harewode, in the sheriffdom of Roxburgh and regality of Hawyk, but him whom men of inquest should find to be baron of the barony of Hawyk whom he would have as his superior of the lands and hold them from him *in capite*. Done at Neuwerk, in the great hall in public court in presence of Sir James Auchinleck of that ilk, knight, Mr. James Lindissay, canon of Glasgow, Thomas Cranstoun of that ilk, Andrew Ker and George of Hoppringill. George of Schoriswod, notary. 1st March 1446–7.

Tulliallan.

52. Notarial instrument narrating that Sir John of Edmundstonne, knight, lord of that ilk, appeared personally in presence of the notary and witnesses, and presented to the former a charter by Sir Patrick Earl Palatine of Stratherne to the following effect:—Charter by Patrick (Graham) Earl Palatine of Stratherne by which with consent of his spouse Eufame Countess of Stratherne he approved and ratified the gifts and grants made by Archibald Earl of Douglas &c. to Sir John of Edmundstoun, knight, lord of that ilk, and his heirs, of the lands of Tullialoun and "forslet" thereof in the regality of Stratherne and

shire of Perth, which were held of the Earl Palatine; to be held to Sir John and his heirs under the form of ward and relief, reserving the suit of court &c. due to the Earl Palatine and his heirs. Dated at Perth 1st April 1410. Thereafter Sir John presented to the notary an obligation by the Earl Palatine, in the mother tongue, relating to the lands and obliging himself and his heirs that when the Earl of Douglas resigns the lands they will infeft Sir John therein—with other conditions. Obligation also dated at Perth, 1st April 1410. The said confirmation and obligation being read, Euphame Countess of Stratherne gave her bodily oath on the gospels to observe the same. Done in the parish church of the burgh of Perth on St. Martin's altar 31 March 1410 [*sic* but ? 1411]. Witnesses, William Lord of Grahame, Sir William of Preston, knight, Mr. Thomas Grahame, archdeacon of Dunblane, John Spens and George Gardyn, squires.

Miscellaneous Writs.

53. Notarial transumpt made in presence of Walter Idill, licentiate in decrees, canon of Aberdeen and official general there, at the instance of Richard Waus of Fyndoun, of two grants by King David II. and King Robert II. respectively. The first, (which is apparently not in any record,) is as follows: "Dauid Dei gratia Rex Scotorum, venerabili in Christo patri Patricio episcopo Brechinensis, cancellario nostro Scocie, salutem. Sciatis quod concepimus veraciter per certas et antiquas euidencias quod Willelmus ostiarius capelle nostre, filius et heres quondam Alexandri de capella, de jure et consuetudine percipere debeat certa feoda in capella nostra; quequidem feoda antecessores dicti Willelmi a tempore quo non extat memoria in contrarium perceperunt, et quia tam per guerram quam alias vt intelleximus, carte siue litere quas antecessores dicti Willelmi de predictis feodis habuerunt penitus sunt destructe, volumus dicta feoda eidem Willelmo per cartam nostram nouiter confirmari et singillatim ac distincte declarari quatinus nobis constitit per antiqua scripta; primo, videlicet, quod idem Willelmus tanquam ostiarius dicte capelle nostre pro feodo suo percipiat, de qualibet carta nouc infeodationis dimidiam marcam argenti; de qualibet confirmatione in maiori forma dimidiam marcam; de qualibet confirmatione in minori forma quadraginta denarios; de qualibet litera rancoris, de remissione, de presentatione ad ecclesiam, de varenna, de quacunque alia litera de gratia, duos solidos; de qualibet litera patente de cursu tres denarios, et de qualibet litera clausa vnum denarium: Item ad scacarium percipere debeat de quolibet vicecomite compotum reddente duos solidos; de quolibet balliuo duodecim denarios; de quolibet custumario duodecim denarios et a camerario nostro tunc pro roba sua quadraginta solidos habebit et scacarium compoti cum coopertorio eiusdem quod antiquitus continere consuerat consueuerat [*sic*] tertiam partem vnius pecie panni cum formulis et scamnis mobilibus in domo scacarii situatis: Quare vobis mandamus et precipimus quatinus ipsum Willelmum habere faciatis cartam nostram sub sigillo nostro magno meliori et specialiori forma qua poteritis de feodis supradictis inhibentes, in eadem carta omuibus fidelibus regni nostri ne quis dicta feoda ab eodem detinere presumat super nostram plenariam forisfacturam. Datum sub sigillo nostro secreto, apud Edynburgh, xvj die Octobris anno regni nostri tricesimo quarto." The second writ is a charter by King Robert the Second, granting to William de Camera the office of usher ("hostiarii") of the king's chancery

("capella") and also the land of Eroly with pertinents within the sheriffdom of Forfar annexed to the said office, which office and land belonged to John de Capella and were resigned by him; to be held to William and his heirs of the king and his heirs in fee and heritage, in every thing as the said John or his predecessors held the office, for performing the services due and wont of the said office and land. Dated at Perth, 17 March [1376]. This writ is recorded, though not *verbatim*, in the extant rolls of the great seal. The witnesses, whose names are not given in the record, were William, bishop of St. Andrews, John Earl of Carrick and Robert Earl of Fife and Menteith, the king's sons, William Earl of Douglas, John of Carric, chancellor, James Lyndesay the king's nephew, Hugh of Eglinton and Robert of Erskine, knights. The writs were transumed on 22nd October 1456 in presence of James Steuart, dean of Moray, Henry Hervy, precentor, Henry Rynde, treasurer, and Martin Waus, canons of Aberdeen, witnesses. [Attached to the above instrument is an official extract from the "Liber Responsionum" 1508. "Talis facta est Responsio. Vicecomes de Aberdene respondit pro servitio regi debito et consueto de officio hostiarii scaccarii sive capellæ suæ, existente in manibus suis per spacium septem annorum vltimo elapsorum sasina non recuperata; et de huiusmodi servitio Regi annuatim vt præmittitur faciendo Regi debito per sasinam datam Gilberto Waus de eodem apud Edinburgh penultimo Maii anno regni Regis vigesimo primo. Ita est in libro prædicto. Georgius Hay Cls Regri."] The date at which the extract was made must have been between 1616 and 1622.

54. Notarial instrument narrating that at Edinburgh in the tolbooth there in presence of William Edmondstone of Duntreth and Master David Guthrie of that ilk, the king's justices south of the water of Forth, there appeared Andrew Ker of Cesfurde, indited and by the king's rolls accused of art and part of advice and assistance in the traitorous inbringing of James Douglas, traitor from England within Scotland, and for treasonable communing with divers Englishmen to the hurt and prejudice of the King, his realm and lieges, and for traitorous assistance to the English and specially in the last battle between the English and Scots where the laird of Rutherford and others of the king's lieges were taken, wounded, and slain by the treasonable assistance and deception of the said Andrew, and for art and part of consent and counsel made to Robert Lord Boyd and his son in their treasonable deeds and particularly in the violent laying of hands on the king's person at the time when he was taken against his will and carried from Linlithgow to Edinburgh; also for traitorous assistance and resetting of Robert Lord Boyd after he was declared a rebel, and also for his counsel and consent to the treasonable killing of Andrew Lord Avandale, chancellor of Scotland: which accusations Andrew Ker wholly denied and submitted himself to the recognition of the following jury, Archibald Earl of Angus, David Earl of Craufurd, Alexander Lord Kilmaurs, James Lord Hamilton, William Lord Crichton, Patrick Lord Hailis, Sir John Lundy of that ilk, Sir James Liddale of Halkerston, Sir Alexander Lauder of Haltoun, Sir James Crichton of Carnys, knights, Malcolm Fleming, son and heir apparent of Lord Fleming, Adam Hepburn of Dunsiar, John Murray of Falahill, James Twedy of Drummelzier, Thomas Lowis of Mennar, David Crichton of Cranston, John Giffert, Alexander Cokburn of Ormiston, James Auchinlech, Sir John Carlile of Torthorwald and Sir Robert Hamilton of Preston; which assize, being chosen and sworn, having removed from and

re-entered the Court, having diligently consulted and being fully advised, decerned and delivered that the said Andrew Ker was for ever acquitted and free from the accusations laid to his charge: on which he asked instruments. Done on 5th March 1470—71; witnesses, David Scott of Buccleuch, John Turnbull of Hassindeanbank, William Cokburn of Henriland, Alexander Scott of Abington, Alexander Wardlaw, William Roger of Traquair, William Haket of Belses, and John Avenar.

55. Letters, written in the vernacular, by which Walter Ker of Cesfurd assigns and makes over to his son Mark Ker all and sundry the ward of the lands, annual rents and possessions of the late John Anysle of Dolphingston, together with the marriages of the heir or heirs, sons or daughters, under lawful age succeeding to his heritage, which ward &c. had been granted to Walter Ker by the king. Dated at Kelso, 26 March 1484-5; witnesses, Alexander Home, grandson and apparent heir to Alexander Lord Home, John Home his brother-german, Ralph Ker, George Gledstanes and others.

56. Letters of Remission by King James the Fifth with consent of the Regent John Duke of Albany, directed to James (Beaton) Archbishop of Glasgow, in favour of William Turnbull of Mynto, George Turnbull there, William Turnbull in Crag, John Turnbull in Mynto, John Turnbull in Hornishole, John Turnbull in Mynto, cousin of the said William Turnbull of Mynto, Robert Turnbull in Halroule, James Turnbull in Hillhouse, Fergus Turnbull there, John Turnbull, William Turnbull in Halroule, Thomas Turnbull there, David Turnbull in Hassindeanbank, James Turnbull in Wolfley, Adam Turnbull there, Leo Turnbull in Unthank, William Turnbull in Roulewood, Andrew Turnbull in Foultoun, George Turnbull there, Andrew Turnbull, brother of David Turnbull in Hassindeanbank, Adam Turnbull in Foultoun, George Turnbull in Corscleuch, George Turnbull in Bethroule, Robert Turnbull in Mensles, Robert Turnbull in Hassindeanbank, Marc Turnbull in Overchester, Archibald Turnbull his brother, Marc Turnbull younger, Richard Turnbull with Marc Turnbull in Overchester, David Turnbull with the same Marc, William Turnbull, John Turnbull his sons, Andrew Turnbull in Gatehousecote, William Turnbull his brother, Thomas Turnbull in Gatehousecote, Patrick Turnbull there, David Turnbull there, Andrew Turnbull in Overchester, Thomas Turnbull his son, Ninian Turnbull there, Ninian Turnbull in Roule, Andrew Turnbull in Roule, Andrew Schewill, William Schewill his brother, John Schewill, son of Andrew Schewill, David Schewill in Hoppiston, David Schewill in Langrau, Robert Brown with Archibald Turnbull, Andrew Turnbull, son of David Turnbull, and William Makge in Bethroule; granting to them a remission for their treasonable art, part and assistance given to the late Alexander Lord Home and his brothers in their treason, and for all other crimes, treason against the king's person excepted. Given under the privy seal, Edinburgh, 11th November 1516. Seal attached, in defaced condition.

57. Lease by Margaret, Queen of Scotland [Widow of King James the Fourth] conjunct fiar of the lordship of Linlithgow, with consent of her husband, Archibald Earl of Augus, &c. granting to her "servitrice, Marioun Douglas, kepar to oure deirest sone, the King," for life, the queen's acres of Linlithgow extending to 151 acres lying beside the burgh of Linlithgow, her entry to begin at this date; with power to sublet; and granting to her all rents and profits of the same during her

life. Dated at Edinburgh 19th July 1518. Signed "Margaret R." "erl of Angus." Queen's signet affixed. The Scottish lion, impaled with the fleur-de-lis and leopards of England. [This writ has been printed in full in "The Douglas Book," Vol. III., p. 388.]

58. Letters of Slains, by which Michael Kyle, John Kyle, John Muir, William Asdaill, four of the branches and nearest friends to the late William Kyle; Patrick Bryding, John Bryding, James Brown, Edward Wallace of Sewalton, four of the branches and nearest friends on the father's and mother's side to the late John Bryding, Allan Roys, Charles Roys, John Roys, Matthew Leiche, four of the branches &c. to the late John Roys; John Montgomery, Hew Hommyll, Adam Cochran, Patrick Montgomery of Giffen, &c. to the late Robert Montgomery; Patrick Brown, Michael Dewar, Jonet Lyndissay, Margaret Myllar [&c. *ut supra*] to the late Finlay Brown; Donald Mund, James Scot, John Balze, James Douglas. . . . to the late John Mund; John Myllar, John Muir, Laurens Lyn, John Lyn . . . to the late William Myllar; John Conyngham, John Brown, Robert Symontoun, Walter Colquhoun . . . to the late William Colquhoun; John Garven younger, David Garven, John Reche, John Garven . . . to the late Arche Garven; Alexander Thomson, John Auld, John McCully, Adam Mure . . . to the late Gilbert McCully; James Hunter, George Hunter, Katherine Steill, John Hunter, four of the branches and nearest friends to the late Thomas Hunter; all grant them conjointly and severally to have remitted and "forgiffin frelie with hert and kindness ane honorabie man, Murchie McWilliame of Auchinbrume, his frindes, kin, servandis, compleces, allya and partakares the kenbutes and crewall slauchter of the saidis persones committit in the iles of Scotland be the said Murchie or his foirbearis in the yer of God m v^c fourtie twa yeris or therby; with power to the said Murchie, his successouris, kin, frindis, servandis or allya and partakares in tymes to cum for ws, our ares, successouris and assignayes to pas and repas as our souerane ladyes leiges quhereuer he or thai thinkis expedeant, but ony vexatioun, molestatioun, perturbatioun, vnfrindlenes, disfrencheschip or vnkyndnes be ws or ony ane of ws in tymes cuming to be movit contrare the said Murchie or his foirsaidis" remitting and discharging "the kenbutis" of the said late William Kyle, John Bryding, John Roys, Robert Montgomery, Finlay Brown, John Mund, William Myllar, William Colquhoun, Arche Garven, Gilbert McCully and Thomas Huntar, for now and ever; binding themselves also never to molest or pursue the said Murchie for the "kenbutis" or slaughter of these persons, but to warrant and keep him scatheless; and that because of certain sums of money received by the granters from the said Murchie for the "kenbutis" of the persons slain. Dated at Irvine, 3 March 1556–7. Signed by two of the parties, John Muir and John Auld, while a notary signs for the remainder. The parties state that having no seals of their own, they procure those of four burgesses of Irvine, but though eleven seals have been attached, one is wanting and the others are illegible.

59. Decree Arbitral by Mary of Guise, Queen Dowager and Regent of Scotland, regarding the complaints made by William Kirkpatrick of Kirkmichael and Roger Kirkpatrick of Closburn for themselves, their kin and friends on one side, against John Charteris of Amisfield and his friends on the other side (who in turn complain against the Kirkpatricks), arising out of a dispute as to the marches between the lands of Kirk-

michael which adjoin those of Dalruskan belonging to Charteris, which has led to quarrels and bloodshed between the parties, resulting in the deaths of Roger Kirkpatrick in Dalton and Robert Welsh, friends of the Kirkpatricks, slain by Amisfield, and also in the deaths of Thomas Glencorse of that Ilk, James Charteris in the Hole and Harbert Coldane, friends of Amisfield, slain by the Kirkpatricks.

This writ is very long, but the main points are that the Queen, after narrating the cause of quarrel &c. as above grants a pardon to both parties and states that a commission is appointed to inquire into the matter. Alexander Charteris *alias* "Sande boy," John Charteris called "Willieis Jok" and James Charteris *alias* "Gwmy" being exempted from the general remission—the Kirkpatricks paying 600 merks and Charteris paying 1000 merks as escheat money. Charteris and his friends who were denounced rebels are to be restored to their property. They are however to make compensation to the families of those slain by them. The Kirkpatricks are to desist from dealing with the escheated goods of John Charteris of Amisfield, Alexander Charteris of the Kirk, James Charteris of the Darn, Alexander Charteris *alias* "Sandye boy," John Charteris of Kowschaw, George Charteris, John Charteris of Bartonpand, Roger Charteris of Auchinskowane, Andrew Charteris his brother, James Johnstone of Begartis, John Johnstone, brother to the laird of Johnstone, and others.

As to the burning of the town of Kirkmichael by the Amisfield party and the spoliation of six score cows and oxen, 500 sheep and 1000 merks of goods, the Queen releases the parties from civil penalties on condition they stand trial criminally. As to spoliation of the lands of Kirkmichael in July 1554, Amisfield is to restore the goods taken, which are particularly enumerated, the first items being "three hakbuts of iron" and a "blawing horn." [The names of the tenants and the amount to be restored to each, follow.] On the other side the Kirkpatricks are to recompense the families of those slain by them and to make other restitutions as particularly stated. The Commissioners appointed, whose names are torn or eaten away—one of them being the Lord of Lochinvar (Gordon)—are to report to the lords of Session who shall do justice in the whole matter. Signed by the Queen "Marie R."

60. Letter by Mary Queen of Scots by which, "understanding that the priores and convent of the Senis vpoun the Borrawmure besyde Edinburgh, being awchtene in noumer, the maist parte thairof aigeit and decrepit having bot small thing to leve on conqueist with thair awin tochers and barnis parte of geir, quhilk is nocht hable to sustene thame in cais we tak vp the thrid thairof aucht to ws, and thairthrow thai salbe redactit to extreme povertie without we haue pitie and commiseration vpoun thame," the Queen remits to the prioress and convent, the third due from their benefices to the Crown, and discharges all collectors of the third from troubling them. Dated at Perth, 16th May 1565. Signed by the queen "Marie R̃" and by "W. Maitland" her secretary.

61. Paper, without date entitled "Thir ar the provisiones thocht necessar for fortifying of the Langholm and Wauchhopwallis." It begins "In the first mon be providit vi^{xx} of pyonaris for the quhilkis to provide viij^{xx} schullis, xl futspaidis, iij^{xx} pikkis and mattokkis and xij flawchtir spadis and vj gavelokis. Item that all the schullis and spadis be schod with irne." The following workmen were to be provided:—"xij wrychtis" with their tools including "xij wod axis" and "xij womyllis"; "four masones and viij wallaris, viij quariouris"; rope=eighty

fathoms; "half ane dusone of plansheour nalis, half ane barell of dur-nallis and ij^{c} garonnalis"; "fiue smythis" with their tools. For the gates were to be provided a dozen large "crukis with boltis and bandis" accordingly, also two dozen small "crukis," with lead &c. Brewing apparatus were also to be furnished.

For victualling the workmen, "Item on the day iij bollis of meill bakin in layfis for the first viij dayis to be caryit to thaim furth of Hawik, and fra thinfurth meill and brois to be caryit to thaim as thai pleis." Three bolls of malt brewed into ale are also to be brought from Hawick and the provisiou is to be made in Jedburgh, Hawick and Selkirk "x^{xx} rowbouris of thre gallonis the peis" being used for carrying the ale. On the day "v^{c} heryng" and "vj stane of cheis" are to be supplied, with "xx payr of crelis" to carry the bread. "Item for carying of vij dayis aill fyfty horse, for vij dayis breid xxiiij hors, for the hering and cheis xx horse."

"Provisione for furnessing of victuallis to ij^{c} Franchemen. Item it is belevit that thai will neid the breid of x firlottis quheit on the day for the quhilk the baxtaris of Edinburgh man be aggreit with that will tak on hand to furneis the samin. Item thai man haif the aill of four bollis of malt on the day, and at the leist ther man be for the carying of the breid and aill furnessit crelis and rowbouris conforme to the quantite as is befoir rehersit. Item xxiiij payir of crelis for the breid carying. Item for carying of the aill xij^{xx} of rowobouris. Item thair man be ix^{xx} horse of cariage providit of Tiuiotdaill. Item to provide xl horse of cariage in Edinburgh for carying of the werklumys, hering and cheis." [Not dated, but the reference to the Frenchmen indicates a period during the reign of Queen Mary.]

62. Warrant by Mary Queen of Scots, narrating complaints by the warden of the Middle Marches that certain barons and landed men namely, Nicholas Rutherford of Hundalee knight, Walter Ker of Dolphinston, John Rutherfurd of Hunthill, Thomas Ker of Fairniehirst, knight, Richard Ker of Gaitschaw Thomas Ker of Marsingtoun. Gilbert Ker of Greenheid and the Hoppringles of Clifton had been warned by the warden's officer to "enter and present diuers thare men and tenentis duelland on thair landis fylit of billis, and for the quhilkis our said wardane hes bene constreuit to gif his bandis and enter his awin seruandis in Ingland" yet they had for three separate courts absented themselves and had not relieved the warden; wherefore the Queen charges them to do so on pain of treason. Dated at Ruthven, 12 June 1565. Signed by the Queen and Secretary Maitland.

63. Papers relating to the settlement of the feud between the Kers of Ancrum and Robert Ker of Cessford, Lord Roxburghe.

(1) Letters of Assurance by which Robert Ker of Ancrum and William Ker his brother for themselves and their friends, do, at the command of the Privy Council, assure Robert Lord Roxburghe, his frieuds &c., that they will be unhurt, unharmed and unmolested by the granters for any cause until the 15th July 1605. Dated at Perth — July 1604. Signed by the parties.

(2) Paper entitled "The humiliatioun and humbill offerris proceiding frome the sinceirlie penitent hart of the right honorabill Robert Lord of Roxburghe to Sir Robert Ker of Ancrome, his brether and remanent his freindis, for the vnhappie accident of the slauchter of vmquhill William Ker thair father committit be me." "Quhairanent first I acknawledge and confes with ane continewall greiff and grudge

of my conscience befoir God, befoir you and befoir the haill warld the vnspeikabill greitness of my grevous offens ffor the quhilk as I am vnfeinziblie penitent befoir God and sall be Godis grace testifie the same all the dayis of my lyff; sua I moist humblie crave Godis mercie and you the partie for the samin." He then in accordance with the custom of the country offers a sum of money—in this case 3000 merks—for "kinbut" and satisfaction. Third, he offers his singere friendship on all necessary occasions. "And finallie, becaus thair is nothing concerning the warld, that I sa earnistlie wische as to hâue that fact repairit to my vtter power and to be reconcelit again with you my freindis" he offers to submit himself to the judgment of others as to increasing the sum proposed, and he earnestly professes his desire to give full satisfaction, and especially anything wanting to exoner the Laird of Ferniehirst "of quhois hous the gentilman wes descendit." He desires a "comfortabill answer." Dated "at the Freiris, the nynt day off October 1606." (Signed) "Roxburghe."

(3) Extract from the Records of the Privy Council narrating that Robert Lord Roxburghe on one side, and Sir Robert Ker of Ancrum and William Ker of Snadoun on the other, appeared before the Council in order to the removal of the feud betwixt the parties. Lord Roxburghe expressed his readiness to be reconciled, while Sir Robert and William Ker declared that "they wald nawyse submit the said feid bot for his Maiesteis obedience and satisfactioun" and to testity their willingness to obey they "choppit handis" with Lord Roxburghe, and subscribed a letter of slains in his favour. Edinburgh, 20 November 1606. [Printed in Register of Privy Council, Vol. vii, p. 272.]

(4) Extract from the Records of Privy Council of same date, narrating the choosing of arbiters by Thomas and William Kers and by Lord Roxburghe. [Printed, ibid.]

(5) Letters of Slains by Sir Robert Ker, William and Thomas Ker, his brothers, and William Ker called of Snadoun, for themselves and friends, remitting and forgiving freely and from their hearts to Robert Lord Roxburghe, Andrew Ker of Roxburgh, Dandie Young called "of Know," George Rutherfurd, Mark Turnbull and James Bennett, their kin and friends, the slaughter of William Ker of Ancrum, father of Sir Robert and his brothers; renouncing all action against the parties and receiving them to kindness. Dated at Edinburgh, 20th and 22 November 1606, in presence of the Lords of Council and others.

(6) Submission by the parties in favour of certain arbiters named, dated and signed 22 November 1606, and Decree Arbitral by Andrew Ker of Lintoun, Sir Robert Stewart of Schelinglaw, knight, Andrew Ker of Fentoun and Mr. Alexander Seytoun burgess of Edinburgh, arbiters chosen on behalf of Lord Roxburghe, and also Sir James Dundas of Arniston, knight, John Monypenny, fiar of Petmelly, and Mr. William Echlin, apparent of Pittadro, arbiters on behalf of William Ker and Thomas Ker, sons of the late William Ker of Ancrum, taking burden also for Andrew Ker their brother and Isabel Ker, their sister, as to the satisfaction to be given for the death of William Ker, decerning Lord Roxburghe to pay 10,000 merks Scots on the Regent Murray's tomb in St. Giles Church, Edinburgh, by 10th November 1607, to the other party, and also to crave their pardon &c., while the Kers on the other hand are decerned to put away all hatred, to receive Lord Roxburghe to their friendship and to subscribe a letter of slains to him. Dated at Edinburgh, 22 November 1606. Signed by the arbiters and the parties.

(7) Discharge by the said William and Thomas Ker, in favour of

Lord Roxburghe of the sum of 10,000 merks. Edinburgh, 11 November 1607.

(8) Letters of Slains or Assurance by them, also in his favour. Same place and date.

64. Letters by Sir Andrew Ker of Ferniehirst, Sir Robert Ker of Ancrum and his brothers, for themselves and friends, assuring Robert Lord Roxburghe, his kin and friends, of safety from molestation until 1st February 1607. Dated at Ancrum, 28 February 1606; Sir Robert Ker signing for himself and his brother George.

65. Last will and Testament of Robert [Ker, second] Earl of Lothian, nominating and appointing his daughters Anna Ker and "Gene" [Jean] Ker his only executors and intromitters with his goods and gear, which he disponeth wholly to them, his debts being first paid. He also nominates his wife, Dame Annabella Campbell, tutrix testamentar to his son Charles Ker and his daughters, of whom she is to have the custody and education during her widowhood only; and in case of her death or marriage, he appoints Robert Earl of Roxburghe, George [Gordon] Earl of Enzie, Sir John Hamilton of Preston, Sir James Richardson of Smeaton and David Crichton of Gilmerton tutors testamentar to his said son and daughters, nominating also Mr. Thomas Hope, Mr. Alexander Morison, John Belsches and Richard Cass, as tutors *ad lites* to his children during their minority—with powers—under the special provision that it shall not be lawful for them to dispone or alienate from his "house of Lothiane, the tynds of Dalwissy of Cokpen Kirke." Dated at Newbattle, 4 January 1623. Signed "Lothiane."

66. Testament by Harry Lord Ker (son of Robert first Earl of Roxburghe), nominating his daughters Lady Jane, Lady Margaret and Lady Anne Ker, equally, to be his executors, and appointing Sir Andrew Ker of Greenhead, Andrew Ker of Linton, Robert Ker of Graden, Mr. William Bennett, parson of Ancrum, Andrew Ker of Maisondieu, Andrew Ker of Chatto and Alexander Don, clerk of Kelso, as tutors to his said daughters and to the child to be born of Lady Margaret Hay, his wife. He leaves £5,000 Scots to his wife over and above her jointure, making £10,000 Scots in all yearly. He makes various provisions for his children contingent on the unborn child being a daughter. Because of his sense of his father's tender love and affection he appoints him his only tutor to his children and leaves to him the absolute care of them and his wife. He appoints also the Earls of Wintoun, Perth, Kinghorn, Lauderdale, Traquair and Callendar, and Lord Carnegie as overseers. Dated at Broxmouth, 31 January 1643.

67. Contract between Robert (first) Earl of Roxburghe and Lady Margaret Hay, relict of the late Harry Lord Ker, and now Countess of Cassillis, with consent of John Earl of Cassillis, her husband. The provisions of this contract relate to the sums of money to be paid to the daughters of Lord Ker who did not succeed to the Roxburghe estates. Dated at St. Andrews, 9th February 1646. Signed by the parties and by Archibald Marquis of Argyll, Gilbert Earl of Erroll, John Earl of Perth, William Earl of Lanark, James Earl of Callendar, John Lord Hay of Yester &c. and James Lord Carnegie.

68. Copy Testament by Robert (first) Earl of Roxburghe &c. appointing Sir William Drummond, youngest lawful son of John Earl of Perth, his executor. The provisions of the will do not call for

special notice. Dated at Broxmouth, 23 February 1648. Among the witnesses is Robert Ker, brother german to Thomas Ker of Mersingtoun.

69. Copy Testament by William (second) Earl of Roxburghe, appointing Robert Lord Ker his eldest son as his executor. Dated at Kelso, 11th November 1674.

Miscellaneous Royal Letters.

70. Letter, Mary Queen of Scots to the Laird of Cesfurd, Warden of the Middle Marches, desiring him to postpone for a time the "day of trew" fixed with Sir John Foster, the English Warden, and to come to Court by the seventh of April at night or before the diet of Council on the eighth, when he "sall haue farther knawlege quhat to do in all behalffis." Edinburgh, 1st April 1566. "Marie R."

71. Letter by Mary Queen of Scots to the same:—"Traist freind, we greit you weill. We intend, God willing, to repair in Teviotdaill to see iustice ministrat. And becaus it is our first jornay in that cuntre, it is neidfull afoirhand that we consult vpoun sic thingis as salbe thair ado—quhairvnto your avyse and presens is verie necessar. Quhairfoir we pray you, all excusatioun and delay set aside, that ye faill nocht to be at ws in Edinburgh vpoun the first day of October nixt, as ye will do ws acceptabill plesour. Subscrinit with our hand at Edinburgh, the xxv day of September 1566. Marie R."

72. Letter, Queen Mary to the same:—"Traist freind, we greit you weill. We haue writtin oure mynd to the Lord Hwme anent sum likly purpos to be interprisit for the quieting of that cuntre. To be schort, a force mon be sett agains Liddisdaill quhairof ye mon be ane of the chief executoris. We haue writtin to Sir John Forster to avyse with my Lord Hwme and yow anent it that is to be done and thairfoir we pray yow faill nocht to be in Hwme vpoun Friday at evin the xiiij day of this instant and thair avise with our lettre sent to the Lord Hwme, quhilk we estime as writtin to you baith. And gif ye find that Sir John Forster will keip tryist at the place to be appointit be him, set furthward in all thingis that quhilk may further quietnes, and aduertise ws of your proceding first and last. In the meyntyme gif warning to your nearest friendis and weilwillaris to be reddy; vtheris salbe warnit with our auctoritie. And sua referrand to your ansuer. Subscrinit with our hand at Edinburgh, the x day of Merche 1566 [1567]. Marie R."

73. Letter from James Earl of Morton, Regent, to "The young laird of Cesfurd" as warden, thanking him heartily for the pains and trouble he had taken in retaining the country in good order and quietness "quhairin we pray yow continew; and thairwith to stand as afoir on your gard, quhill ye see quhat success materis takkis, quhilkis we can not think salbe vtherwyse then weill; yit as ye may be cairfull to vnderstand quhat your nychtbouris ar doyng, without attempting ony thing quhill ye aduertise and haue our mynd. We louke very shortlie to be certainelie and specialie certifiit, for this day the ambassadour is riddin to Berwik. As to the man quhome ye haue apprehendit we culd very weill aggre to gif your self a commissioun to execute iustice on him, wer not it hes happynnit yow to be the taker of him and that ye haue particulair interesse. Thairfore it salbe metaist that ye caus him

be suirlie convoyit heir, for we mynd assuritlie to caus iustice be execute on him seing he hes weill deserued it, &c." Dalkeith, 5th August 1575. "James Regent."

74. Mandate or Warrant by King James the Sixth to Robert Lord Roxburghe, warden of the Middle Marches, reminding him of the special commission given to him "to caus acouse and put to the tryall of ane assyse Mr. Peter Nairne for his abhominable atheisme, wilfull and detestable derisioun and contempt of God, in taking vpoun him wilfullie at ane tyme the office of ane minister of the reformit religioun and of ane messe preist, and dischairgeing baith the saidis callingis be preicheing as ane lauchfull minister of the trew religioun to sic as he knew to be professouris thairof and saying messe to vtheris that lykit the same, changeing at all tymes and occasionis his schaw of religioun at the appetite of his company sua impudentlie and godleslie that he feirit nocht vpoun ane day to say messe as ane ordinar preist and vpoun that same day to preiche as ane ordinar minister lauchfullie admittit to that calling: for the bettir coulouring quhairof, at the ressaving of his admissioun to the ministrie, he decevablie changit his name and callit himselff Mr. Robert Bruce, quhairby he mycht not be knawin nor tryit in his abuseis; for beiring and weiring of pistolettis contrair our lawis and actis of Parliament and for his wicked, mischevous and traiterous interpryse of the murthour of Inglische gentleman, quhome he persuadit and convoyit furth of his cuntrey and brocht within our realme, of sett purpois and deliberatioun to murder him causles vnder traist and freindschip, and attempting to put the said intendit murthour to executioun within your duelling place of the Freiris be halding of ane bendit pistolet to his breist to haue slaine him; and drawing of Inglisch gentleman within this our realme to the effect he mycht tak him prisoner and detene him captive quhill he had redemit his libertie with ransoun, and for euerie ane of the saidis crymes particularlie abonewrittin; and vnderstanding the saidis crymes to be sua far to the contempt of God and of ws and our auctoritie and sua reprochefull to our people and realme, that the oursicht and impvnitie thairof mycht bring furth monyfauld sclanderis and grit inconvenientis," the king desires Lord Roxburghe to put the culprit to trial "and seing he hes confessit the samyne and can nawayis be clengit," on being found guilty by a jury he is to be hanged and his head struck off and "affixit vpoun a publict place of the merche betuix the tua realmes to be a testimony to baith the nationis of our eirnest cair that freindschip, love and amitie may be interteneit betuix our subiectis and the inhabitantis of our nychtbour cuntrey," &c. At 1601. "James R."

Charter, Papal Bulls, and other Writs relating to the Monastery of Kelso.

75. The earliest of these writs is the great charter by King Malcolm the Fourth, in which he narrates the original founding by his grandfather King David the First, while still Earl, of an abbey at Selkirk, which after his accession to the throne he transferred to Roxburgh, in the church of the Virgin Mary situated on the banks of the river Tweed in the place which is called "Kelcho." King Malcolm confirms to the monks all grants, liberties and lands bestowed on them by his grandfather and others. The charter is dated 1159 at Roxburgh. It

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is merely noted here, because it is printed and a complete facsimile of it given in the "Registrum Cartarum de Kelso" presented to the Bannatyne Club in 1846, by the then Duke of Roxburghe.

76. Bull by Pope Lucius III., forbidding any one to excommunicate the abbey:—Lucius episcopus, seruus seruorum Dei, dilectis filiis Osberto Abbati et fratribus ecclesie sancte Marie de Kelchou, salutem et apostolicam benedictionem. Licet uniuersa loca religiosa ex commissi nobis officii debito fouere ac diligere debeamus, illorum tamen profectibus specialem nos oportet curam impendere que ad iurisdictionem beati Petri et nostram noscuntur nullo mediante spectare: Inde siquidem est quod nos libertates et iura Monasterii uestri et ea maxime que ipsi ab apostolica sede indulta sunt integra uolentes et illesa seruare, deuotioni uestre auctoritate apostolica indulgemus, ut si quis archiepiscopus, episcopus uel alius ecclesiarum prelatus in aliquem de consortio uestro excommunitacionis, suspensionis uel interdicti sententiam aliquo tempore promulgare presumpserit, nullas uires optineat, sed irrita et uacua potius habeatur. Nos enim uniuersa que uobis et monasterio uestro apostolica sedes indulsit et per nostra et anteecessorum nostrorum priuilegia roborauit firmitatem perpetuam et robur inuiolabile uolumus optinere. Decernimus ergo ut nulli omnino hominum liceat hanc paginam nostre constitutionis infringere uel ei ausu temerario contraire. Siquis autem hoc attentare presumpserit indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Velletri, xvi kal. Aprilis [1182–1185].

77. Bull by Pope Celestine III. lightening taxation.

Celestinus episcopus, seruus seruorum Dei, dilectis filiis Abbati et fratribus monasterii Kelkoensis salutem et apostolicam benedictionem. Cum penes apostolicam sedem auctoritas canones condendi resideat per eam necesse est ut constitutiones canonice in suo statu seruentur et uiolatores earum merita pena plectantur; sicut autem ex uestra parte nostris est auribus uentum quidam archidiaconi ac officiales eorum subditas uobis ecclesias in suis archidiaconatibus positas, sue obtentu consuetudinis uisitantes, in suarum procurationum exactionibus uobis et ecclesiis ipsis nimium graues existunt, enactionis numerum in Lateranensi concilio constitutum plurimum excedentes. Vt igitur uestro in hac parte grauamini auctoritate apostolica consulatur presenti uobis scripti pagina duximus indulgendum, ut archidiaconi seu eorum officiales in ecclesias uestras cum maiori numero quam concilio eodem exprimitur recipere minime teneamini, nec ipsorum sententias obseruare siquas in illarum aliquas uel ministros earum pro eo quod taliter ad ipsas ecclesias accedentibus procurationes impendere recusatis presumpserint promulgare. Nulli ergo omnino hominum liceat hanc paginam nostre concessionis infringere uel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Laterani, xvij kal. Aprilis, pontificatus nostri anno quarto. [16 March 1195.]

78. Bull by Honorius III. giving personal protection.

Honorius episcopus, seruus seruorum Dei, dilecto filio Rectori Heremi de Merkingly, salutem et apostolicam benedictionem. Cum a nobis petitur quod iustum est et honestum, tam uigor equitatis quam ordo exigit rationis ut id per sollicitudinem officii nostri ad debitum perducatur effectum. Eapropter, dilecte in Domino fili, tuis iustis postulationibus grato concurrentes assensu personam tuam [torn] eum in quo diuino es obsequio mancipatus, cum omnibus bonis que impresentiarum ration-

abiliter possidet aut in futurum iustis modis prestante domino poterit adipisci sub beati Petri et nostra protectione suscipimus. Specialiter autem possessiones, terras, libertates et immunitates ac alia bona ipsius Heremi, sicut ea omnia iuste possides et quiete tibi et per te ipsi Heremo auctoritate apostolica confirmamus et presentis scripti patrocinio communimus; dum tamen exinde nullum alicui preiudicium generatur. Nulli ergo omnino hominum, [etc., *ut supra*]. Datum Alatri, v Idus Maii, pontificatus nostri anno sexto. [11 May 1222.]

79. Bull by Pope Innocent IV.

Innocentius [etc.] dilectis filiis, Abbati et conuentui monasterii de Kelchou. . . . Solet annuere sedes apostolica piis uotis et honestis petentium precibus fauorem benenolum impertiri. Cum itaque quondam Anselmus et Riccardus Nicole, Cecilia mulier et alii domini ville de Molle, diocesis Glasguensis, sicut asseritis quasdam terras in territorio eiusdem ville prout spectabat ad eos uobis pia et prouida liberalitate donarint, prout in litteris inde confectis plenius contineri; nos ues[tris] supplicationibus inclinati donationem huiusmodi sicut prouide facta est et in alicuius preindicium non redundat ratam et firmam habentes ipsam auctoritate apostolica confirmamus, et presentis scripti patrocinio communimus. Nulli ergo, [etc., *ut supra*.] Datum Lugduni, id. Augusti, pontificatus nostri anno septimo. [13 August 1249.]

80. Bull by Innocent IV. directed to the Abbot and convent of Kelso, in answer to a representation from them that the Bishop of St. Andrews had with their consent determined a perpetual vicarage in their church of "Kaledoure," a portion being assigned to the vicar out of the bishop's rents, confirming the same by apostolic authority. Dated at Lyons, 10 May 1250.

81. Bull by Pope Alexander IV., forbidding hospitality to women. Alexander [etc.] dilectis filiis Abbati [etc.] Ad aures apostolatus nostri peruenit, quod ex eo quod ad uestrum monasterium hospitandi causa nonnulle mulieres frequenter accedunt, moram ibidem longam et inutilem facientes, contingit idem monasterium non solum grauibus onerari expensis, sed et fratres in eo Domino seruientes quod est grauius grauiter infamari. Cum igitur non solum a malo sed etiam a mali specie Christi famulos oporteat abstinere, nos qui circa salutem uestram et ipsius monasterii statum debemus eo attentius uigilare, quo nobis uestrum et eiusdem monasterii cura specialius est commissa super hoc salubre remedium adhibere uolentes uobis monasterio ipso ad presens Abbate uacante et Abbatibus qui pro tempore in eodem monasterio fuerint uestrisque successoribus presentium auctoritate in uirtute obedientie districtius inhibemus, ne decetero infra portas dicti monasterii uel in eius grangiis pernoctare mulierem aliquam permittatis. Nulli ergo [etc., *ut supra*]. Datum Laterani, ij. kal. Februarii, pontificatus nostri anno septimo. [31 January 1261.]

82. Bull by Pope Alexander IV. directed to the Prior and convent of Lesmahagu,—in answer to their petition setting forth that the late William (of Bondington) bishop of Glasgow had assigned to their use the church of Kilmaurs in Cunningham in his diocese, of which church the Abbot and Convent of Kelso of which the Priory was a member had the right of patronage, while the institution of the rector belonged to the bishop, so that the fruits of the church were wholly converted to the use of the brethren in the priory, who were to serve the church by their own chaplain and were to bear the episcopal dues and other

burdens thereof,—confirming the arrangement thus made. Given at Anagni, 28 January 1261.

83. Bull by Pope Benedict XIII. directed to the Official of Glasgow, narrating the petition of William Alanson [Alani], presbyter of Glasgow diocese, as to the perpetual vicarage of the parish of Selkirk which had been resigned by John of Sesclaw, the former vicar. The resignation was made in the hands of the subdean and chapter of Glasgow, the church or see being then vacant and the dean absent. Patrick Abbot of Kelso presented the said William to the subdean &c. as a proper person for the vicarage and he was instituted, but hesitated to accept doubting the legality of his presentation, and the official is empowered to secure him and all his rights in the vicarage. Given at Avignon, 25 October 1395.

84. Bull by Pope Benedict XIII. directed to John Forster, canon of Aberdeen, regarding a complaint by Patrick Abbot of Kelso, that William Mouswald, Official of Glasgow, had without any jurisdiction, ordinary or delegated, at the instance of James Moscrop a presbyter of Glasgow diocese, caused the Abbot to be publicly excommunicated, empowering the canon to try the case, and to cause his decree be enforced by ecclesiastical censure. Given at Saone, 26 March 1406.

85. Bull of Pope Eugenius IV. directing the Abbot of the Monastery of Kelso to enquire into and do justice regarding a complaint by Alexander Preston, vicar of Ednam parish, that Thomas Wardlaw presbyter, Henry Sinclair and other laymen had assaulted him to the effusion of blood. Given at Florence, 18 March 1439. [This writ is so much eaten away, that its contents can only be stated in general terms.]

86. Bull of Pope Nicholas V., directed to the bishops of Spoleto and Glasgow and to the Abbot of the Abbey of Holyrood near Edinburgh, setting forth that the perpetual vicarage of the parish church of Haddington had been vacated by the promotion of George [Schoriswood] as bishop elect to the see of Brechin, and that the Pope had reserved the church to James Gray, clerk, of the diocese of St. Andrews and M. A. The commissioners are therefore required to institute him in the said church with its rights and dues, &c. Given at Rome, 8th March 1453–4.

87. Form of oath taken by the Abbot of Kelso.

"Forma juramenti. Ego Robertus, Abbas Monasterii beate Marie de Kelsow, ordinis Sancti Benedicti, Sancti Andree diocesis, ab hac hora inantea fidelis et obediens ero beato Petro sancteque apostolice Romane ecclesie et domino nostro domino Paulo Papæ ij suisque successoribus canonice intrantibus; non ero in consilio aut consensu uel facto ut uitam perdant aut membrum, seu capiantur aut in eos uiolenter manus quomodolibet ingerantur uel iniurie alique inferantur quouis quesito colore; consilium uero quod michi credituri sunt per se aut nuntios seu litteras ad eorum damnum me sciente nemini pandam, papatum Romanum et regalia sancti Petri adiutor eis ero ad retinendum et defendendum contra omnem hominem; legatum apostolice sedis in eundo et redeundo honorifice tractabo et in suis necessitatibus adiuuabo; iura, honores, priuilegia et auctoritatem Romane ecclesie, domini nostri Papæ et successorum predictorum conseruare, defendere, augere et promouere curabo; nec ero in consilio uel in facto seu in tractatu in quibus contra ipsum dominum nostrum uel eandem Romanam ecclesiam aliqua sinistra

uel preiudicialia personarum, iuris, honoris, status et potestatis eorum machinentur, et si talia a quibuscunque tractari nouero uel procurari impediam hoc pro posse meo et quanto citius potero commode significabo eidem domino nostro uel alteri per quem ad ipsius notitiam possit peruenire; regulas sanctorum patrum, decreta, ordinationes, sententias, dispositiones, reseruationes, prouisiones et mandata apostolica, totis uiribus obseruabo, et faciam ab aliis obseruari; hereticos, scismaticos et rebelles domino nostro uel successoribus predictis pro posse persequar et impugnabo; vocatus ad synodum ueniam nisi prepeditus fuero canonica prepeditione; possessiones uero ad mensam monasterii mei pertinentes non uendam nec donabo neque impig[nora]bo neque de nouo infeudabo nec aliquo modo alienabo, etiam cum consensu conuentus monasterii mei, inconsulto Romano Pontifice, et si ad aliquam alienationem deuenero penas m . . [toru] . . er hoc edita constitutione contentus eo ipso incurrere uolo: Sic me Deus adiuuet et hec sancta Dei euuangelia." [The leaden seal attached varies from that usually attached to papal bulls. Such bear the name and number of the Pope on one side and the heads of Peter and Paul on the other. In the present seal Peter and Paul are represented by small figures seated in chairs. St. Peter bearing a key in one hand, and St. Paul a sword. On the obverse are represented three figures seated, the centre apparently being the Pope ["Paulus, pp. II."] with a number of figures kneeling in the foreground. The date of the oath is not given but it must be between 1466 and 1471.]

88. Bull by Pope Sixtus IV. directed to the Abbot of Holyrood, and to the Precentor and Chancellor of the church of Glasgow, narrating a petition by Robert abbot of Kelso and the convent there that although Richard Abbot of Melrose and his convent were bound to pay them certain moneys from the greater and lesser tithes of some possessions in the parish of Mol [Mow] united canonically to Kelso, due under an agreement made between their predecessors and observed from a period past memory till now, yet the Abbot and Convent of Melrose refuse to pay the money though often requested to do so, and that "in animarum suarum periculum dictorum que Abbatis et conuentus dicti monasterii de Calco non modicum detrimentum"; wherefore the Abbot &c. of Kelso have prayed the Pope to commit the cause which they intend to move against the Abbey of Melrose to some good men; in terms of which petition the Pope grants this commission, with full powers. Given at Rome, 28 April 1473.

89. Bull by Pope Alexander VI. [Borgia] directed to the official of Glasgow, in favour of James Muray, scholar, of Glasgow diocese, who petitioned that though the son of a "religious" he might, notwithstanding the defect of his birth, be promoted to an ecclesiastical office. Given at Rome, 18 December 1500.

90. "Chalmerlane Compt of the Cell of Lesmahago" for the year 1556. This account, made by John Weir, chamberlain of Lesmahago, of the rents belonging to that dependency of the Abbey of Kelso, is too long for quotation, but it is printed in full in the "Registrum Cartarum de Kelso." Bannatyne Club, 1846. Vol. II. pp. 475–485.

91. Mandate by Mary Queen of Scots addressed to the "Priour and convent of our abbacie of Kelso" stating that a complaint had been made by "the inhabitants of the town of Kelso, schawand that thai and thair predecessouris past memorie of man hes bene kyndlie and native

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tennentis to the said abbacie of the landis of Barningtoun and Barningtoun Leyis witht he twa lochis thairof and thair pertinentis, and hes payit thair malis and dewiteis thankfullie thairfoir to this hour, and as yit ar in possessioun thairof, levand nynetene yeris takis rentellis and vther titillis of the samyn sufficient to thame for . . [torn] . . part and never wes molestit and trubillit in thair possessioun thairof in ony tymes bypast; and now sen the said abbacie and patrimonie thairof is becumin in our handis be deceis of Williame [Ker] last commendatar thairof, we ar movit thairfoir of our dewitie and consience that the saidis tennentis be kepit and defendit in thair rycht and titill of thair saidis stedingis and possessionis," in regard to which the queen forbids the prior and convent to grant any feu or infeftment of any of the lands belonging to the inhabitants of Kelso, which were not granted before the death of Commendator William, without the special consent of the Crown. Dated at "Alway," 31 July 1566. "Marie R."

92. Commission by King James the Sixth and James Earl of Murray, Regent, narrating that Mr. William Schaw, provost of Abernethy, chamberlain for the time of the Abbey of Kelso had intromitted with the rents thereof for the crop and year 1566, and Mr. Peter Dishingtoun now chamberlain had intromitted with the crop of 1567, but no count and reckoning had been made of their intromissions, wherefore Adam bishop of Orkney, Mr. James Makgill of Rankeillor Nether, clerk register, Sir John Bellenden of Auchnoule, justice-clerk, Mr. Henry Balnaves of Halhill and Maister John Spens of Condie or any three of them, are appointed to receive and audit the accounts rendered by these chamberlains of the rents of the Abbey of Kelso, with full powers. Edinburgh, 25th April 1569. "James, Regent."

93. "Rental of the Abbacie of Kelso," said to be about 1567. [Printed at length in "Registrum Cartarum de Kelso," Vol. II., pp. 489–532.]

94. Paper entitled "A draucht of the haill pensionis gevin out of Kelso." The first entry is "the pensionis gevin furth of Kelso of the ald be the abbottis or commendateris thairof with the consent of the convent." "In the first to Robert Ker of Ancrum $l^{c}li.$" To Mr. Walter Balfour and Mr. William Schaw, each £100; Mr. John Spens £59 13*s.* 4*d.*; Robert Balfour £40; Mr. John Stewart and Henry Kinloch each £44; James Makclene £30 and John Johnstone, scribe, £22. In all "$v^{c}xl li.$" The contribution of the lords of session £56. "Item the sustentatioun of the convent resawand of money vj^{xx} of pundis, vj chalderis malt, thre chalderis quheit" = "iii^{c} xxxiij*li* vj*s.* viij*d.*" The sum of the whole above charges being £929 6*s.* 8*d.* Scots.

"The pensionis gevin furth out of Kelso be the quenis grace without consent of the abbot or convent." "Item in the first," James Cunningham son of the earl of Glencairn occupies possessions belonging to the Abbey rented at £1,600; Thomas Ker, son to the laird of Cesfurd, £433 6*s.* 8*d.*; William Ker, brother to the laird of Fermehirst, £333 6*s.* 8*d.*; Mungo Grahame, the church of Selkirk, rented at £333 6*s.* 8*d.*; John Semple, £333 6*s.* 8*d.*; William Home, son of the laird of Cowdenknows, £200; Alexander Home, brother to the laird of Ayton, £200; the laird of Bargany, £200; amounting in all to £3,633 6*s.* 8*d.* "The pensionis gevin out be the last abbot" Mr. Alexander Mauchane, £20; Mr. George Freir, writer, £12; and

James Makcartnay £12. These three sums amount to £44 and the whole pensions enumerated above equal £4,606 13*s.* 4*d.* Scots.

"Item the Quenis Grace seing this benefice sa chargit with pensionis that hir cousing Francis Stewart culd haif small thing thairof to his sustentatioun, thairfor hir Grace gaif and dispouit to him hir Maiesties thrid of the said benefice alsweill of the pensionis as of the rest, sua that gif ilk ane of the pensioneris wald be content of the tua part and lat him be with the thrid it mycht be ane reasonabill leving vnto him albeit it be prouidit in his gift that he suld sustene the ministerie in his awin kirkis." "Item in lik maner it wes commonit betwix hir Grace and my lord secretar the time of the demitting of Coldinghame that the said Francis suld have had ane pensioun furth of the samin howbeit it wes nocht done. Bot he obtenit the gift of the thrid thairof allanerle, albeit this priore of Coldinghame will nocht allow the samin bot takis vp baith tua part and thrid. Thir thingis I wald my lord regent wer aduertist of to the effect that in cais ony alteration be of ther thridis in parliament his Grace may be forsene in quhat cais his brother sone standis and that his Grace may be myndfull that he may be prouidit of sum leving." [Not dated, but evidently written between 1567 and 1570.]

95. Paper endorsed "Statutes maid concerneing the kirk and other thingis within the towne." This document is of considerable length but one or two of its items may be noted. (1) The bailie and his assessors ordain all inhabitants in the town and parish of Kelso to repair to prayers and preaching on the Sabbath day at least, under pain of half a merk unless reasonable cause of absence be shown—the money to be given to the poor. Provision is made for noting absentees. (2) The bailie forbids all resetting of "fornicatouris" and other similar persons within the town. (3) The bailie approves and ratifies the acts formerly made as to the churchyard "with this additioun that na maner of bestiall, sick as horse, nolt, scheip, swyne nor geis at na tyme be put thairin, and forther that na skynnis, woll nor clayth, be laid nor keipit thairin vnder the pane of viij*s.*" of fine. The grass in the churchyard is to be either "schorne or mawin and nawayis eittin." Provision is made for building the churchyard wall, and punishing those who break it down. (4) The acts anent "harlottis" to be put into execution, also those "maid agains pylgrymis," servants contravening the act to forfeit their wage, and masters to pay £10 Scots, "dischairgeing alsoe pasche playis, tymmer, wychtis, banefyris and ringing of baisingis, ilk persoun transgressand in ony of thir to be pvnischit as is abone writtin." (5) Provides for regular attendance at session meetings and fining absentees. (6) The bailie "vpoun the complent gevin in be the minister agains the haill inhabitantis within the toun and parochin of Kelsoe for keiping a superstitious yeirlie feist to our Lady at Yuill and all vther superstitious dayis, and keiping that day halie and ceissing from all workis that day as it were the sabboth of the Lord, expres aganis the law of God and actis of Parliament," forbids any one to "keip, mak nor provyde ony kynd of banket or feist vpoun the saidis dayis or aucht dayis befoir or aucht dayis eftir, nor yit in ony caice to leif of to wirke all lawfull warkis accustomed to be vsit vpoun ony vther wark day" under a fine of £10 Scots or imprisonment for ten days on "breid and watter." It is also enacted that in the "towns" of Kelso, Sprouston and Redden, "maillers" or farmers should have a horse worth 40 merks, cottars, merchants, &c., a horse worth above 20 merks, with armour, each footman to be furnished with steel

bonnets, plait sleeves, long staves, spears and guns, to be used for the king's service, under the Bailie. The remainder of the enactments relate to the ordinary police of the burgh, and are not specially noteworthy, except one which requires the inhabitants to "lift away their middingis" from the front street and to pave the street, all future laying down of "middingis" there being forbidden. Dated at Kelso, 3rd April 1593.

BELLENDEN PAPERS.

96. Letters of maintenance by George [Crichton] bishop of Dunkeld by which he binds and obliges himself to his "weilbelouit man and seruand, Maister Thomas Bellentyne," who is bound to the bishop in manrent and service for all the days of his life, that he "sall supple, keip, manteine and defend the said Maister Thomas in the peciable possessioune and brouking of all his takkis, stedingis, rowmis, possessionis and guidis mouable and vnmouable at oure power and sall tak his afauld leill and trew parte" in all his actions, causes, &c. [in usual form]. Dated at Edinburgh, 27 March 1530. Mr. Robert Crichton, provost of St. Giles, Edinburgh, Mr. Francis Bothwell, dean, and others, witnesses.

97. Extract from Privy seal record of Letter of Gift by King James the Fifth granting to Patrick Burne, daily servitor to Mr. Thomas Bellenden, clerk of justiciary, the office of keeper of "the assyis dur of all and sindrie iustice airis quhaireuir thai sal happin to be haldin and of justice courtis" for all the days of his life, with such fees as John Bell or any other of his predecessors had. Edinburgh, 13 December 1540.

98. Contract of Marriage, by which it is agreed "betuix ane nobill and mychty princes, Marye, quene drowriar and regent off Scotland, and Gylbert Erll off Cassillis in name and behalff and takand the burden vpoun hym for Schir Hew Kennedy off Garvanemains, knycht, Barbara Kennedy his dochter and Dame Jane Stewart Lady Methphen, hir mother, on that ane part, and Schir Jhone Bellenden off Auchnoull, knycht, justice clerk, on that other [part], in maner forme and effect as eftir followes." Sir John shall marry Barbara Kennedy between this date and "Alhallowmes" next, and shall settle upon her a liferent provision of 200 merks yearly, and shall infeft her conjointly with himself in any lands acquired after the marriage; while on the other hand he shall receive with her a tocher of 2200 merks, payable by instalments, &c. Dated at Edinburgh, the 30th September 1554. "Marie R," "Cassillis," "J. Bellenden." Jean Stewart Lady Methven signs by touching the pen of a notary, at the Abbey of Holyrood on 7th October 1554, before the Earls of Argyll, Glencairn, Marischal and Angus and the Abbots of Cupar and Culross, as witnesses.

99. Lease by Christian Bellenden, "priores of the place callit the Senis besyd the burght of Edinburgh," and the convent of the same, with consent "of ane religious fader, freir Johne Greirsone, prouinciall of the Freris predicatouris within the realme of Scotland," in favour of James Wilky, one of the bailies of the Canongate, leasing to him "oure landis of oure kirk of Sanit Laurence exceptand the Spittell rig, with thair pertmentis extendand to four skoir and twa aikeris of land or thairby lyand besyd the burgh of Hadingtoun on the west syd thairof, within the constabulary of the samyn and sherefdom of Edinburgh"

for the period of seven years, at a yearly rental of 64 bolls of victual "half quheit, vngrund malt without cherite," to be delivered at the Sciennes betwcen the feast of St. Andrew [30th November] and the "feist of the croce callit Beltane" [1st or 3rd May]. The lease is dated at the "Senis," 15 February 1555–6. [The following are the names of the sisters then in the convent of the Sciennes near Edinburgh:—"Sister Cristian Bellenden, priores, Sister Elizabeth Naper, suppriores, Sister Katherine Seytoun, Sister Marione Craufurd, Sister Elizabeth Naper, Sister Jane Douglas, Sister Margaret Dunber, Sister Margaret Naper, Sister Agnes Naper, Sister Isabell Cant, Sister Katherine Neisbet, Sister Beatrix Blacater."]

100. Bill for merchandise, 1563–4.

"I Johne Gichane, burges in Edinburgh, grantis me to haue resauit fra Alexander Russale vij barrell of fyne crovne ase and hes schipit thame in ane schip of Leith, the maister skyper callit George Chalmer, and the said Alexander Russale to beir the wentuir of thame to Flanderis and the said John Gichane to deliuer for the vij barrell of crovn ase in the Camfeir of fre money viij*li.* xs. greit Flemis money to Phelop Craik at the command of the said Alexander Russale to be wairit at Alexander command; and to the observing and keiping of the saming the said Johne Gichane hes pit to his merk with his awin hand becaus he can nocht write, at Edinburgh, the third day of Merche anno 1563, afoir thir witnes, Patrik Loutlit, burges in Edinburgh, Johne Tomsone, Phillop Craik with vtheris diueris."

101. Draft or scroll outline of a contract between Matthew Earl of Lennox for himself and his wife Lady Margaret Douglas on one side, and Henry Lord Darnley, their eldest son and apparent heir, on the other part, by which the Earl "for the lufe and favour he berise towarte his foirsaid sone and for the conseruatione of his hous and leving of the Levinax with his name and posteritie of the Stewarttis" and for other causes binds himself with all diligence to obtain a charter to the said Lord Darnley and his heirs male, whom failing to Charles Stewart his brother german and his heirs male &c. of the lands of Kilmahew now belonging to James Stewart of Cardonald by virtue of a decree on a pretended apprising, but which he is to resign in favour of the Earl; and on the other part Henry Lord Darnley—"willing to recompense his foirsaid faderis liberalite and favour with all thankfulness of mynd and humill behaveour, as becumis ane luving and gude sone to do to the father and moder, and to the effect that his foirsaid fader and moder be nawayis hinderit nor deteriorat in thair honour, estimatioun nor proffite throuch thair foirsaid liberalitie bot rather thai sould be augmentit and meliorat thairby"—binds himself to infeft his father in liferent in the lands, to be held of himself and the queen, and also in case of his father's death, to secure his mother her reasonable terce, and meanwhile to make his father his cessioner of all lands &c. belonging to him &c. No date, but probably in 1565.

102. Letter addressed by Mary Queen of Scots and King Henry [Darnley] to the "Priour and convent of Halieruidhous," that a former letter had been written requiring them to expede the letter of bailiary granted by "our brother of Halieruidhous" [Robert Stewart, then Commendator] in favour of Sir John Bellenden, Justice-clerk, and declaring that "hering that ye defer to accorde thairto without ony ressonnable cause, it is oure will that ye pas the said lettir, all excuissis or delayis sett apart and as ye will do ws acceptable pleisour

and seruice, and becaus we knaw that this oure requeist is reasounable, we luik for the obaying thairof with all speid. At Edinburgh, the xxiiij day of August the yeir of God 1565."

"Marie R." "Henry R."

103. Letter from "Dene" Stephen Litstar, the last Prior of Holyrood. Address wanting. [1570–1580.]

"Venerabyll Schir, Eftyr maist hartly commendatione. j rasauyt your lordschipis vratyng fra Vylzam Berttilmo one this day aucht dayis. In the first, quhar your lordschip vrittis that it [apperis] to your lordschip that j dryff tyme to speyk with the rest of the bredyr, j vreit to your lordschip abefoir, it swld nocht stand vpone the rest of [the] bredyr bot onlye vpone yowr lordschipis awin speking, sayand your lordschip thoth it rationabyll that we had owr portions ve depend one that samen sayins, and desyris effetswslye that jt may hayff ane end; for your lordschip knawis veyll anewch that owr assingnatione vas j maid in October; syeundlye, your lordschip vrittis that ye ar informyt that we gat gwid deyd fra owr last maistyr for owr consent to the samen taik to my lady and hyr bernys, ve neuer consentyt to my lord, lady and bernys nochtwithstandyng that ve var offt and dyuers tymis raquirit thairto, na nevyr twyk gwid deid fra na mane one to this tyme. One varitie and trewth owr last maistyr offerit to ws ane hundryth pwnd for to suberyff the sammyn lettyr; alswa Gylbert Balfowr bad me and James thre scoir of pwndis, Blakhall twenty pwnd; Dene Daue twik twenty and subscriuit his lettyr. We trest ay that thair vald hayff bene ane chainge, thairfoir we vald nocht consent to ane novdyr. And vair your lordschip vrattys that it is ane sobyr mater that ve stand vpone, jt is ane of the grettest tynd in all owr place, and Inverleyth and Vordy [Wardie] is hwrt to the rentyll and it be set as ye desyr, lykwyes the Abbottis grange his hwrt to the rentyll to set it as it is desyrit; nochtwithstanding at my lordis raturnyng quhilk j trest in God sall be sowne, is lordschip gyffand vs portions and ane rationabyll drin[k]-syluer, owr portions beand gyffin to vs vndyr my lordis hand and commone seyll and placis assingnyt to vs for payment of our quheit, beir and syluer, to indwir for owr lyfftymes, this beand downe all thyng sall be downe at my lordis pleswr and yowris. Last of all, your lordschip vrettis to me to be var that nane of vs subscriue na letteris. Yowr lordschip sall vyt that ane servand of the Laird of Mercumstonis come to me with ane lettyr to be seyt for mony; j said j vas dischairgit and inhebyt. Adam Bell come with ane vdyr letter of the tynt of Barrow to Vylle Prynghill and bad drink syluer largelye, ve said na; ane mane callit Brws come with ane lettyr of pensione of thretty pwndis, ve said na. Nocht ellis bot leyffand Lord keipe you, your lordschipis oratwr, deñe stevin litstar þor off halyrwdhws."

104. Paper relating, apparently, to Patrick Bellenden of Stenhouse. "Jesus. It is to be rememberit that Patrik hes bene ane servand of God and of the nobilite of this realme in the setting fordwart of Goddis glorye to the expelling of the strangeris, and hes thairupon spendit his blude als well as tyme, panes and gudis; and in lyik maner it fortunit hym to be present quhen vmquhill David Richeo wes slane at command of the vmquhill kinge of gude memorye, fader to our souerane lord, and albeit his escheit wes disponit and he thaireftir expellit the realme of Scotland and als owtt of Orkneye quhair his lyving lyis be the extreme persute of Gilbert Balfour and vtheris haveand commission of the quene for the tyme and sua endurit greitt dammage, quhairof to this houre he never gatt ony maner of compensation."

"Item, it is to be remembrit that in the moneth of the yeir of God 156 , Lord Robert come to Orknaye and thair wes ane appoyntment in wryte maid betuix hym and Patrik." The memorandum further states that it is desirable that any one having commission against Patrick should show it, "for it salbe in vane to Patrik to mak ansuer to thame that hes na commission," for even if acquitted he would not be better. It is also declared that "equite and justice requyris that gif my Lord Robert will gif his complaynt aganes Patrik, that Patrikkis complaynt aganis hym sould be hard," and it is proposed that a day be fixed for both parties to appear before the Regent and Privy Council. Lord Robert is also to be required to give his oath regarding certain papers which exempted Patrick. [No date, but perhaps between 1572 and 1574.]

105. Letter from King James the Sixth to Sir Lewis Bellenden of Auchnoul, then Ambassador at the English court.

The King encloses letters from the Laird of Johnstone, warden of the West Marches, and also from Lord Scrope, the English warden, informing the Ambassador of his opinion that "seing the Lord Scrope intendis (as may appeare) to redres only a certane small quantitie and that only value for value, a forme disagreing from the last treaty of the commissioners and to the great preiudice and discouragement of the trew subiectes of bayth the realmes, we will that ye insist diligentlie that directioun and commandment may be send with speid to the Lord Scrope, from the quene our dearest suster or hir counsell, willing him to proceid in metingis and deliuery for all attemptates of guidis according to the treateis and our former instructioun gevin you, omitting this conditionale order of value for value sa fer aganis the meaning of the treateis.

"And seing the evill effectes of Carmichaelles remaining at Carlile and vther partes of the west bordour pretending (as we doubt not vntrewly) to be ressauit in our said dearest susters protectioun, ye may lett hir vnderstand how grevous and displeasaunt it is vnto ws to vnderstand him to haue any ressett or consort thaire, he being a man sa weill acquainted amangis the theves of bayth the realmes, a speciall instrument of thir lait conspiracys aganis ws and our estait, and ane quhome we wishe to be removed from our bordouris or deliuerit to ws, ye sall thairfoir earnestlie travell with our said dearest suster and hir counsell that he may othir be delyverit to ws or at leist reterit from the bordouris, quhair his present remaning gevis sic occasioun of vnquietnes.

"As to the company of our rebelles that we heir ar laitly cum bak to Berwik, the principallis being past vp in the cuntre, we lippen that our said dearest suster will tak sic gude order concerning thame as our amytie and the treaties cravis and as she may be weill assured to find at our handes, the like caice occurring, quhair we micht gif hir pruif of our guidwill. Thus faire ye weill. At Halyruidhous, the tuenty of Februare 1584." "James R."

106. Letter of Pension by King Henry the Fourth of France, who "desirant pour plusieurs grandes considerations gratiffier et fauorablement traicter les Viconte de Sagar" has granted the sum of 4000 livres tournois of pension yearly, the first payment to begin on 1st January next. Dated at Paris, 27 December 1602. "Henry."

[Besides the above documents, there are among the Bellenden papers, which are numerous, many receipts for annuities by members of the

convent of St. Catherine of Sienna at the Sciennes near Edinburgh, who were scattered after the Reformation but continued to draw pensions from the Convent lands. Dame Christian Bellenden, the prioress, survived until the beginning of the year 1571, the last receipt signed by her being dated 10th March in that year. A later receipt was written out on her behalf but remains unsigned. One inmate, Jane Haliburton, who describes herself as "ane of the sisteris of the Schenis besyd Edinburgh" married a Patrick Ogill. Another sister, Jane Douglas was still living on 1st April 1582.

There are also receipts and other writs by or on behalf of various persons who drew pensions from the revenues of Holyroodhouse. A few papers relating to members of the Bellenden family are included, but none of the above are of sufficient historical value to be copied or noted at length.]

Book of Family Expenses.

107. This is a long narrow volume, bound in parchment containing entries of payments, expenses and disbursements of various kinds from 30th June 1619 to 9th March 1630. The accounts are at intervals authenticated by the signature of Jane Drummond, second Countess of Robert first Earl of Roxburghe.

The following are a few of the entries, which will give some idea of the contents of the book. The first entry is made at "Eistroxburghe" on 30th June 1619, shewing balance in hand from previous account £198 4 10. The next is "At the Chanonegate, the 5 of Julij being Monday at my lady Dudope hir home going, recaued from my lady to give amongst the servandis in the Lady Broughtones, one Fleames peice of gold extending to £12 0 0." On same day "recaved rom my lady hirself in gold 7 peices half extending too=£100 0 0." . . . At Estroxburghe the 22 of Julij frome my lady hirself 340 whereof 100li wes for my lord his owne vse and 240li wes send be Wm. Dick to Londoun with a letter of exchange, 340 0 0." Various entries relate apparently to a journey, beginning at Edinburgh, where among other items of wages, presents to servants, &c., is a payment "for blak clothe worset fringe foot brod and buckrome to the Lady Dudope hir womans pilget and for making it, conforme to the bill £ij 19 0." A dozen "silk poyntis for my lady" cost £1 4 0 and £2 is paid to her in small money. At setting out from Edinburgh 6/ is paid "at the Watergate, to the poore and the same sum at Leithwynd foot." At "the Quenisferrie," three boats, one for the party and two for the horses were hired for £6 8 0. At Dunfermline, "Supper and brekfast, wyne, collationes, cole and candle and chalmeris 40li 0 0." Wages of boys, horses, &c., £6 5 0 and fees to servants of house £2 0 0. At St. Johnstown or Perth, they paid "for supper and brekfast, wyne, chalmer, cole and candle £18 14 4." "Item given amongst the servandis ther, being well vsed £3 0 0." A brief stay was made at Pitcur and Dudhope, the houses of two married daughters of the first Earl of Roxburghe. Among other payments made at Dudhope were a piece of gold to the servants="£13 6 8." "Item to the norische at Dudope in gold ane crown, inde £3 6 8." "Item . . to one clergieman played all the tyme £1 10 0." "Item in drinksilver to the pistolet maker for one pare pistoles send be the Constable [Sir John Scrimgeour of Dudhope, Constable of Dundee] to my lord £3 0 0." The return journey was by Dundee ferry, Kinghorn and Burntisland. At the last place was paid "in drinksilver to the botmen and to the poore £0 10 0." "Item for brekfast . . . and for

wyne and chirreis and all other things and for sack and French wyne carreit to the bote £12 18 0." The whole expenses of the journey which lasted from the 2nd to the 14th July 1619 amounted to about £309 Scots. On 19 July, was paid to "George Hangitside in Kelso for 6 pare dog cuppellis at 6s the pare, inde £3 12 0." On 21st, "Item vpon Wednisday going to Edinburgh, at Sowtrahill, to one boy going vpone stiltis, who said he wes on his jorney to London £0 6 0."

The prices of commodities may be learned from the following, bought "from Thomas Marten and send to Estroxburghe. Of pepper 1 pound £1 6 8. Of ginger 1 pound, price 0 12 0. Of clowes iiij ovnce, price 1 6 8. Of large maces iiij ovnce price 1 6 8. Of nutemugs iiij ovnce 1 4 0. Of safrone ij ovnce 4 0 0. Of cannell iiij ovnce 1 6 8. Of sugare ij stone price of the ownce xviis inde £27 3 0. Of dredgie vij ovnce 1 3 4. Of plowdameis iiij pond £0 8 0. Of rasings of the sone, iiij pound, price £1 10 0. Of roughe almondis iiij pond £2 16 0. Of oranges x, price 0 13 4. Of mustard ij pound £0 12 0. Of cannell [cinnamon] confitis iiij pound at xxs the pound, inde £4 0 0. Of sugar almondis iiij pound at xviiis the pound, inde £3 12 0. Of daittis ij pound £2 0 0. Of olives 1 chopene £0 16 0. Of capers 1 pound £0 13 4. . . . Of vinegar ane barrell conteneing iiij ga. 1 pynt at 5s the pynt, inde £8 5 0."

Among other items on 26 August 1619 is "Item for drogs to the cotchman as followis, of turnemarick iiij ovnces 20s, of bey berreis iiij ovnces ixs, of granes iij ovnces 4s, of fenerik iij ovnces 7s 6d, of bolarmonick, half pond 8s, of tryakle ij barrellis xiis, inde 3 0 6."

On 31 August is the following "Item the last of August at my lady hir going to Broxmouth. To the boyes as particularlie followis, viz. To Williame Bennet, Henrye Durye, Robert Ker of Grenheid, Robert of Mersingtoun, Andro Pringle, Robert Dauidsone and Andro Ker, ther men being 7 in number 3 nychtis at the Englishe lordis being at Estroxburghe and 2 nychtis at my Lord Dook his being ther, at the rate of 40d the peice ather of them nightly, inde £5 0 0." [It is not clear who these English lords were. They seem also to have visited Edinburgh The Duke may have been the Duke of Lennox.]

Articles of dress are also mentioned. Thus [no date given] "Bocht at seuerall tymes for my lord his vse . . in Edinburgh. Of freis iij elne half for ane jerkin at 4 merk the elne, inde ixli vis 8d. Item ane blak hat dressing and new pok xxiiijs. Item the riding suord dressing and scabard xls . . . Item for ane whinger for my lord ls." On the immediately preceding page occurs "More send to my lady of 8s ribing russet cullour for to be poyntis vj elne, xlviijs. Of reid Spanishe taffatie one quarter at 7 lib elne xxxvs. Of reid flat buttones for ane waistcote 4 dosen at 4s dosen xvjs. Of vjs minome cullourit ribing xij elne, inde iijlib xijs. Of minome cullourit silk one vnce price xxxiiijs. Of Cambridge vij elne, price therof xxiiijlib. Of tawny cullored taffatie of the cord iij elne at iiij merk elne viijlib." In August 1622. "Item payed to ane shoomaker called Cleland for ane pair of strong white ledder buittis walxed vili. Item more to him for ane pair Spanishe ledder shoes xxxs. Item to his man that put on the buttis and shoes xijs. Item for 6 houssing girdis for my lordis hors at viijs. the peice . . . iijli xis. Item more for four reid collouris to them at xjs the peice xliiijs. Item more for lyning the clokbag with harden and mending it and putting bukkellis too it, as also for mending the clokbag sadle, setting to new taggis and glewing it xxxs."

Item [paid to Adam Turnour] "for vij elne quarter and half of grene

MSS. OF DUKE OF ROXBURGHE.

stuffe to be jerkin and drawers for my lord at xxx^{s} the elne, inde xj^{li} j^{s} iij^{d}. Item for iij drope weght of silk for the same sute at xxxiiij^{s} the ovnce vj^{s} vj^{d}. Item one dosen buttones ij^{s} viij^{d}. Item ij elne half of grene vj^{s} ribing to tye the jerkin withall xv^{s}. Item for clasps to the sute ij^{s}. Item for making of the sute xxx^{s}. Item for iij elne of Yorkshyre clothe to be David Ker ane cloke at vj^{li} the elne xviij^{li}. Item for iij elne and ane half of baise to lyne the cloke at xxxvj^{s} the elne vj^{li} vj^{s}. Item for two drope weight of silk to slashe the baise to the cloke iiij^{s} iiij^{d}. Item for rantering of the cloke xvi^{s}. Item for half ane elne of bukrome at xij^{s} the elne to the cloke neck and the burres of my lordis jerkin vj^{s}."

In June 1623 "Bought for my lady hir vse at seuerall tymes as followis, Item 17 elne and ane half of norage seriss (?) at 24^{s} the elne 21^{li} 0 0. Item 28 elne and ane half blak and white ribbane at 6^{s} the elne 8^{li} ij^{s} 0. Item 12 elne russet cullourit ribbane at 4^{s} 6^{d} elne 2^{li} 14^{s} 0. Item 12 elne purpour cullourit ribbane at 4^{s} 10^{d}, 2^{li} 18 0. Item one dosen russet cullourit silk poynts 1^{li} 10 0. Item 6 dosen of rings for curtings at 3^{s} dosen 0^{li} 18 0. Item 48 elne of stronge girding for bed bottomes at xvj^{d} the elne 3^{li} 4 0. Item ane ryme of fyne paper, price 3^{li} 0 0. Item more, 16 elne of norage seriss for Lord Harie and Lady Sophia at 29^{s} the elne, 19^{li} 4^{s} 0. Item 5 dosen buttones at 2^{s} 8^{d} the dosen, 0^{li} 13 4. Item half ane ovnce of purpour silk 0^{li} 17 0. Item more for Lord Harie 8 elne French grene waterit camlet at 34^{s} the elne, inde 13^{li} 12 0. Item 20 elne of grene silk and silver lace at 4^{s} 6^{d} the elne 4^{li} 10 0. Item 8 dosen of grene silk and silver buttones at 8^{s} the dosen 3^{li} 4 0. Item half ane ovnce of sad grene silk 0^{li} 17 0.

Much of the later part of the book is occupied by entries of money received. Throughout there are also frequent references to legal proceedings, fees to counsel, solicitors, &c. Card playing is also several times mentioned. The whole book which contains 276 folios, or about 550 closely written pages, is worth the attention of antiquarians.

108. Another paper, though of comparatively recent date, is of historical interest as a personal reminiscence of 1745 and the Seven Years War, at a later date. It is in the handwriting of Sir James Innes Norcliffe, who succeeded as 5th Duke of Roxburghe in 1812 as the result of a decision in his favour by the House of Lords. He was born in 1736, and was therefore about nine years old at the date of the battle of Culloden. The document is partly biographical, but as it contains historical items, and does not appear to be printed elsewhere, it is here largely quoted. The Duke begins by referring to a Historical Account of the Family of Innes (published in 1820) and proceeds:— "My father, Sir Harrie Innes in the autumn 1745 went to Culloden House and joined the friends of the House of Brunswick in the North Highlands. The Earl of Sutherland and he were unluckily in the house of Dunrobin cut off by the rebells and being unable to rejoin the army they embarked in an open boat in the month of March 1746 and crossd the Murray Firth in safety and joined the Duke of Cumberland's army att Aberdeen. Lady Innes and her three daughters, my brother Robert and I, Sir Harrie left att Elgin in an old house of the Duke of Gordons near the Cathedral and the winter passed undisturbed. But as the Duke of Cumberland advanced, the estate of Innes was laid under military execution, all the horses and cattle and what belong[ed] to Sir Harry were carried off, the granaries emptied and the tennants obliged under the direction of Mr. George Gilzean, tennant of Innes mill, to

carry all they ordered to the rebel magazine att Minos near Inverness. They did not leave enough for the cotters or for the mentenance of the family in Elgin. As the Duke's army advanced our situation was more unpleasant and unsafe, and a worthless fellow fired a bullet att my head which recoiled from the stone lintell of the door and fell into a tub of water placed to catch the rain.

" Lady Innes became uneasie ; she sent my tutor the Rev. Mr. Simpson with a letter to Sir Harrie att Dunrobin where she believed him to be. Mr. Simpson took a boat at Braehead to cross the Firth with the letter. The rebels suspected that he had been sent with some account of their strength and situation. Lady Innes was informed of his danger and on the morning of his return he fortunately walked speedily in the direction of Rothes and crossed the Spey that night and was safly within the Duke's lines. In the evening the house was surrounded and every corner searched, happily without effect.

" The Rebel Chiefs held their councils att the Red Kirk with intention of oposing the passage of the Spey, which they relinquished and retired to Elgin. We remained under their protection and FitzJames' Horse prevented the house from being plundered and ourselves maltreated. The Duke of Cumberland crossed the Spey the Saturday. That night we were guarded by Col. Bagot of their Husars and Colquhoun Grant, who remained untill the advance of Kingston's Light Horse obliged them to join their rear in the town of Elgin leaving the gates baricaded. As soon in the morning as it was thought safe the gates were opened ; some dragoons passed the gate in pursuit ; they called [to enquire] the road to Quarrelwood. I run and showed them passed Dunkinty's and on the oposite side up the Lossie heard and saw the skirmishing in Quarrelwood. [Another version has 'I ran past the corner of Dunkinty's house to show them and on the opposite side up the Lossie they heard' &c.] I returned and run to the bank of the Lossie and looking towards the Stone Crop hill, I saw my father crossing the field the short way to his house about 8 o'clock the Sunday morning. He brought a small sword for me, and by 11 o'clock I was mounted on my old dun poney which the rebells had left, and was presented to the Duke of Cumberland as he led the column to the south of Elgin ; the others passed thro' the town and the army encamped that night att Alves. The Duke quartered in [the Rev.] Mr. Gordon's manse. Next day, Monday, my mother and I accompanied the Duke's army to the bank of the river Findhorn ; there we were sent back, I with the promise of a Commission."

Here the Duke refers to his education. From the school of Fordyce he passed to Enfield and the Rev. Andrew Kinross's academy there, where the " young Earl of Sutherland " was one of his school mates ; thence he went to Leyden. He then continues, " I was appointed to a company in Sir Robert Murray Keith's but regimented with Lieut.-Colonel Commandant Campbell's 88th Highland Volunteers ; was mustered att Leith, May 1760, embarked and landed att Carlstat where we were armed and marched to join Prince Ferdinand's army as a part of his strength. We joined att Saxenhausen ; [another version has 'July 1760 att Zegenheim,] encamped there, and thence encamped on the heights of Homberg a day and night, withdrawn to Zaxenhausen as their shott reached our tents. Marched after the affair of Corbre towards Cassel, which the French took and our hospital. Marched under the Hereditary Prince [of Brunswick] to Warburg town over the Demil [Diemel], where [the 1st and 2nd] battalions of our Grenadiers and two six pounders under Cox drove them [the French]

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from the hill. We were between our Grenadiers and the Brunswick Grenadiers, they happily did the business for us [which] in our undisciplined state we were then unfitt for. We saw our cavalry drive the French pellmell thro' the Demyll, Duke Ferdinand and all the army at their heels where Marshal Broglio did not chuse to come to a general action. [According to another version, the two battalions of Grenadiers above referred to were Brigadier Beckwith's brigade, and were always in the advance of Duke Ferdinand's army; the action above related took place on 2nd August 1760.]

"From that day we had confidence in our sober brave Highlanders of all sizes from 6 feet to 5 feet 1 inch and they deservedly maintained their fame to the end of the war in Germany 1762–3. From Warburg we marched a long forced march to the relief of Beaton, who had burnt the French bakery at Marburgh. We marched to the siege of Wesel, cross[ed] the Rhine; we were left to guard the bridge of boats but [were] called off att midnight, the Prince being unequally engaged at Campen, for the French had their number tripled in the evening [which] prevented the surprise the Prince attempted. [In hastening up in the morning] I lost two or three of the flower of my company in a detatchment with Major Maclean, and by an unlucky shot, our excellent young surgeon, Mr. Jamison, while whispering in my ear. The ball must have passed thro' the heart. The regiment having marched into the wood, I called back a sergeant, James Macwilly of my company, lifted my friend; Macwillie took his watch and pocket case of instruments which I delivered to his father att Leith. [Another version which in this place is more full, states that Jamison instantly expired on receiving the shot, and adds 'We were separated from the regiment of Normandy by a small river like the New River. We saw them amongst a thick plantation of willows; their object was, I suppose, to outflank and cut us off, as I did not perceive that they fired more than a few random shott which proved so fatal to my worthy friend.']

"We fell in with our retreating army all in good order, took a position for the night as arranged by our skilfull and indefatigable leader, the Hereditary Prince, who under the three days and nights anxiety and fatigue had hardly a comfortable repast. Next day [he] conducted his retreat by the bridge of boats above Wesel without the loss of a gun. Sir George Howard commanded the rear. I returned after our regiment had passed the bridge, and repassed the Rhine with the first battalion of our Grenadiers commanded by Lord George Lenox, and with a platoon of Lieutenant Moores, Lord Drogheda's brother, to two peece of cannon placed on the bank to cover the bridge of boats, so that I saw all without, as it happened, any hazard and got a rebuke for my pains. There was a single handed tilt between Colonel Janard of the Prussian Yellow Husars, and a French officer, who[m] Janard cutt up. Our glorious retreat closed when every cannon was over, by the setting fire to some wagons filled with straw, which smoaked the French, and the boats and sloops which composed the bridge being disengaged from each other sail'd up the Rhine. We marched to Rikham (?), encamped untill 30th December, when [we] were marched into Munster as winter quarters, and so ended the campaign.

"In the month of February 1761, while at a grand ball att General Hardenburg's, the order came for a part of the Garison to march on the Hesse expedition to attack Duke of Broglio's position att Gissen and Bugen. The 88th Campbell Highlanders remained in Munster and the 11th, until we march[ed] to Efflen in the Duchy of Westfalia until the opening of the campaign 1761. [Another version runs "From Munster

in the April 1761 we were cantoned att Efflen in the Duchy of Westphalia under Lieut.-General Wagenham's command, soon after which the intricate mazes of the campaign began under Lord Granby's command, untill we brought on the battle of Filinhausen, Lord Granby's forming our left, to the river Ham, the center att Count Lezips battry and our extended right under the Hereditary Prince. The attack began in the afternoon on our position, driving in our advance and the Brittannic Legion."] Nothing can be more interesting than the variety and skill of the movements which brought on the battle of Filinghausen or Dinkeron in July 1761, when the three Marshals with 100,000 men were beaten by little more than 50 thousand. The history of those two brilliant years are not surely forgotten by military men.

"The 88th suffer'd severely the evening of the first day. The forenoon of the next, the Hanoverians of Marishal Spiken and Baron Lieut.-General Hardenberg, who came up in the night nobly revenged our loss. The 88th and Keiths the 87th were laid along a hollow way so as to form a line cross to the height or rising ground where we had been posted the evening and night before. We had the two long sixes belonging to the Hanoverians, our gun served by a sergeant, Keiths by a lieutenant. Our sergeant seemed to make it an amusement 'now a round' 'now a grap.' Placing a bough before the mouth to mask his gun, he did great execution on the line of the French engaged man to man with the Hanoverians; after the action I found the round shott had taken two and three in a line, the grape sticking like Indian corn in some of them. The French meantime endeavouring to flank our gun, got within 20 feet and killed the horse that was unharness'd the first [shott] bringing him on his end, and the next dead in the flank. [At the] same time the flashes of a hot fire was sustained by the young Prince of Brunswick on the chateau or house of Dinkeron or Filenhausen. In an hour the French suddenly gave way enraged that Broglio deserted them, and surrendered att an angle to Colonel Maxwell, 2nd Grenadiers and Major Wederburn. I ran across the hollow way to the bank where my lieutenant, Simon Grant, and others of my company fell the evening before, where stood Marishal Spiken to whom Lieut.-Gen. Baron Hardenberg presented me, and knowing [the Highlanders by their Harlequin hose, said 'Ach! Pover Berg Scotten,' thus paying after the heat of battle a pleasing compliment of regreat]. There is a pleasure in the recollection of the 'Ach! Pover Berg Scotten' that I could hardly ever recount without a sensation of pleasure and pain and the tear in my eye. I hope that some person better qualified than I [will] give to posterity a full account of the conduct and bravry of Duke Ferdinand and the Hereditary Prince of Brunswick and his two younger brothers, one of whom was killed in the hot fire and sunshine att the concluding part of the battle of Filinghausen." ["The victory of Felinghausen did not procure us long repose. Duke Ferdinand was obliged to make up for the want of reinforcements by rapid movements to cover part of Hesse and of Hanover and a fruitless attempt to relieve Wolfenbotle; after the campaign 1761 we were cantoned at Salkehelder(?) then marched [a]cross by Osnaburgh &c. &c. to Lingen in Freseland, where I had leave to return to London intending to seek an exchange into the Guards. From the fatigue of those two brilliant years service, tho' I had never been so ill as to leave the regiment or miss one days duty, the day after I got to Innes House I was seized with a violent illness of the intermittent kind which render'd me unable to return to the company."]

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Here the Duke's historical narrative in both versions practically ends, the remainder in each case relating to personal and private matters, which need not be detailed.

LETTERS OF THE ROXBURGHE FAMILY.

Most of such letters as come under the description of historical have already been noted in the above report, and while there are a large number of letters and indeed a very considerable amount of correspondence between different members of the family all which has been carefully sifted, such correspondence is for the most part purely domestic and only of private interest. The following however are given as referring to historical events or persons.

109. Letter from Thomas Hamilton, Earl of Melrose, afterwards first Earl of Haddington, to Robert first Earl of Roxburghe, dealing with the proceedings of the Commission of Teinds then sitting in Scotland. Lord Melrose sends papers narrating the progress of the Commission. He states that the bishops are suspected of opposition to the purpose of the Commission, and comments specially on the doings and sayings of Patrick Lindsay, Bishop of Ross, who as the mouth-piece of the opposition had protested against a clause of the royal summons directed by the Commission warning heritors to appear and deal for their own teinds. Lord Melrose comments severely on the bishop's "ignorance and impertinences" and his impudent persistence. The other bishops had been silent but they are suspected of aiming to destroy the erections made by the late King James and to secure to themselves all the teinds. On this and the effect of the protest Lord Melrose writes at considerable length desiring the affair should be made known at Court, where the Earl of Roxburghe then was. Edinburgh, 6 March *c* 1627. [This and the two following letters from the Earl of Melrose are printed in full in "Memorials of the Earls of Haddington 1889," Vol. II., pp. 148–153.]

110. Letter from the Earl of Melrose to the Earl of Roxburghe, begging the latter to inform his Majesty (King Charles the First) that if he continues to desire his rent to be "competentlie encreased and his affaires and necessare charges supplied" and the oppression of the teind masters mitigated, it will not be difficult for his faithful servants to perform these duties. But if teinds are to be given up without full compensation or the clergy are to have their own way, then the Commission must be dissolved without result. Edinburgh, 29 March *c.* 1627.

111. Letter the Earl of Melrose to the Earl of Roxburghe, earnestly desiring the latter to lay the truth of matters before the king and prevent the misrepresentations made by the Bishop of Caithness and other agents for the Church. Edinburgh, 7 April *c.* 1627.

The greater mass of the correspondence now reported on is dated between the years 1694 and 1750, and is chiefly addressed to Mary Hay Countess of Roxburghe, widow of the third Earl and mother of the first Duke of Roxburghe.

112. From the letters of her third son, the Hon. William Ker, who served under Marlborough, the following are selected.

"Madam, I received your Ladyship's of the 31st of May, yesterday, wherein you tell me that some people are of the mind that I should not

go to the field except my reigement go. I can assure your ladyship its what I think my self and I believe if I should ask to go I should not get leave from the Duke of Marleburghe, however desirouse I am to be there, for the camp is much more agreeable than a garison; for a garison in this country is a sorte of a prison, for wee cant go without the gates for partys. But the ramparts in this town are very fine, so that I ride some times round them and to do that it takes 2 or 3 hours which is long anuff on horseback for ane airing; and for our other diversions I can't brague of them much but with my foot boys I have contrived to have a dancing once or twice, for wee governours of garisons can bring about those things very easily. I have no more to trouble your ladyship with but that I wrote last post to your ladyship and shall be as punctuall in that as possible I can. I am, Madam, your ladyship's most obedient son, Will Ker." Ghent, July 4th, 1711.

113. The same to the same. Ghent, July 18th, 1711.

"Madam, I have receiv'd your ladyship's of the 2nd, 7th, 15th and 21st of June, but the plague on't is they come all together so that sometimes I shall have none for a greate while but that is owing to cross winds and there is no help for that. Your ladyship tels me that Sir Will. Baird is to be married which makes me laugh. . . . . Your ladyship seems to think that if wee go to the field this year which wee are to do in 5 days that it will be hard upon us, but I do assure your ladyship to the contrary, and that it would be scandalous for us not to take the field this year and a litle heavy upon us too, for at present wee pay for our forrage, and wee shall not be able to recruite well at that rate next year. Your ladyship wants to know how you should direct to me now since my brother is in the countrey (which I am very glade of for his sake and Lord Beaumonts for to have stayed in town after having had the small-pox was anuff to have killed him), and really I don't know how to advise your ladyship except you direct streight out for me at the Grand Army, but you must tell Mr. Home to put Colonel to my name else it may chance to go to some parson if there are any of my name in the army. I have no news to tell your ladyship but that some small affair happened in the army tother day and some squadrons of ours suffered, and that poor Prince of Orange passed here three nights ago from the army to go to the Hague about that affair of his with the King of Prussia, and so soon as he arrived in this place which was about 9 at night I went to see him to receive his commands and to know if he wanted ane escorte next morning, for which he thanked me very kindly and told me he had a French pass and only desired that the Antwerp port should be opened for him at 4 in the morning; which accordingly was done to my regrate now for I wish he had been here yet for he was drowned next day at Moordick, and the circumstancess on't are so long and malincholly that I'le refer your ladyship to the newspapers that will be full on't, and shall only add that he was the prettiest young prince in the world."

114. One or two letters to the Countess from Sir William Bennet of Grubet also contain interesting references to political incidents. Thus, on 2 March 1721, he writes from Edinburgh "Madam . . . The Jacks (Jacobites) are horn mad one some accounts they have gotten from the other side of the water; they promise themselvs wonders from Mr. Law and fancy that the Spanish army is recal'd from Africa in order to serve the pretender. They have long subsisted one a thin dyet." "The mortality encreases at London; the Duke of Buckingham

is dead, as is Mr. Craig who was my Lord Duke's tutor; the small-pox rages like a plauge."

115. On 13 June 1721, Sir William writes "Madam . . We have had nothing extraordinary but what you would see in last prints wher the report of the secret committy is laid open, and two peers, Rothes and Hadington of our country, with five commoners are pointed amongst many others as having had South Sea stock without any valuable consideration; but this cannot affect them as being but a sort of hearsay, and that ther names were seen in a book of Mr. Knights, so that people think this grand committy wil like the mountain bring forth a mouse. Saturday last being the 10 of June, Harison's regiment which lyes in the Canongate had orders from their commandant to pluck of all the white roses they should see worn ether by men ore women which they very rudely executed, and getting drunk abused al that came in ther way, and at lenth sent up a sergeant with a party to extinguish some straw that lytele boys had kinled in Leeth Wind. These soljers fyr'd in at the Nether Bow 3 musquets wher ther was noe mob ore disorder and kil'd a barber dead, shot a woman thorow the leg who being with child is since dead, and wounded another. This made such a stir as was like to produce much mischeefe and I am affraid is not yet over. Munday morning the party was delivered up to the magistrates who hes pretty clear proofe against one of the soljers who is to be try'd by the Lords of Justiciary.

I send your ladyship Allan Ramsay's essay one the cutting of my Lord Bowmonts hair" &c.

116. On 18th April 1725 he writes in regard to a disputed church settlement. "Madam . . . . Never was ther such a spirite of rebellion against all order and government as rages universally in this country, and I really beleeve your Ladyship's first thought of the military must be the measure at last. They threaten from all quarters to visite the Synod one Tuesday in such numbers and so prepar'd as if they have not what they demand they will oblige them to remove ther quarters, and are so insolent to menace the ensuing circuit should they offer to proceed against the Morbatle rioters. The magistrates of Jedburgh are so allarm'd heerat that doubting to keep the peace they intend to pitition for troups." A petition "cunningly enough drawn but villanously desyng'd" is being signed throughout the parishes. It is proposed to prosecute only 30 of the "most seemingly guilty" rioters, the whole number being 68.

117. On 10th August 1725, Sir William Bennet writes . . . "The squadrone have ten friends now for one that they ever had befor and the Justice Clerk is spoke well of by these who would have crucifyed him some time agoe. I beleeve the new set are not very easy and apprehend no certain stability in ther present advancements, as your ladyship tearms it very well. I am perswaded this cloud will blow over who lives to see it. Mr. Dundass plays the divell with his successor, cuts him down one all occasions and is at present the idol of the populace; the petition he drew for the maltsters and which was burn't is the strongest and most bold paper that I have seen. I have weekly from Edinburgh the most minute things that are passing ther, and if you have not heard it must tell your ladyship a story. I had yesterday that some would be wites had a large cock exposed in the streets with his feathers all pul'd of, and in capital letters one his naked back, D.R." [For Duke of Roxburghe, who had recently been deposed

from the office of Scottish Secretary of State.] "The novelty gather'd a mob but when the meaning was known they wish'd alloud 'God return him soon his plumes for it had never been well with the country since he wanted them.' At the same tyme one chanted the ballad "To Glasgow and doun with the Cambels was the word, John with the gold sleeves witnes to all.'"

118. In another letter, he again refers to the subject of Morebattle. "Madam, Your ladyship will be pleas'd to know that one the 10 instant ther was a very throng toun at Jedburgh, the judges my lords Pencaitland and Dun. Mr. Rutherfourd, the Advocat's brother-in-law, represented him and ther were five other lawiers ther. One Mr. Andrew McDugal was cal'd out to appear for the Morbatle rioteres, and they had one Halliburton for ther agent . . . The Morbatle gentry to the number of 70 were cal'd and all present, and from the first to the last denyed the libele. Ther lawier, for whom and ther sollicitor they had made a stock purse of ten pounds sterling, made a very insolent rebellious speech wherein he asserted the right of the people in opposition to the call of the patron, insisting that they had done nothing illegal and that the ministers were the first agressors; besydes, that the proclamation had not been read to them, after which, he said, they had ane hour to dissperse in provided by law. I would fain have interrupted him but the judges overrul'd it. I saw the people uppish upon this mutinous harrange and prevented the Advocate by taking notice to the Lords that I was amazed to heur that gentleman trumpet up rebellion and justifye tumult and disorder; that if he had propaled that doctrine befor us as justices of the peace, we would have laid his heels fast as fomenting this growing spirite of mobs and tumult eversive of all order and goverment. The lords reprimanded him severly, and at our desyre the tryal was delayed till next day, in which tyme we took a precognition of what the witnesses could evidence against the principal actors, Walter Scot amongst the first, but to our amazement could not find two concurring witnesses to fix any fact besydes a great deal of informality and mistakes by he ministers one the one hand and the sherife depute one the other; indeed the shortnes of tyme we had to doe bussines made some excuse. Under these difficultys we consulted the judges who realy seem'd hearty in the matter, and not being able to make more of it that tyme it was concluded that the whole process should be continowed till the next circuit. When the court met next day, the advocate-depute made the proposal which in the name of the justices of peace I did second, with some very familiar language to Mr. McDugall and a great deal of freedome with such as had promoted that villanous insult. The lords express'd their outmost abhorrence at the illegal rebellious behaviour of all those that were concerned in the late tumult at Morbatle, that as the crime deserv'd it they should [have] been glad to [have] had it in ther power to make examples even into death, and if ther was any further complaint from that quarter they must exspect to meet with the outmost severity. Some of us enforced what had been said as strongly as we could, and I beleeve all will be henceforth quiet unless they are again blown up to madnes by something from the General Asembly, which I hope will not happen, &c.

WILLIAM FRASER.

Edinburgh, 32 Castle Street,
15th May 1891.

FIRST REPORT ON THE MARCHMONT MUNIMENTS OF THE FAMILY OF POLWARTH, LORDS POLWARTH, AND EARLS OF MARCHMONT, IN THE POSSESSION OF SIR HUGH HUME CAMPBELL, BARONET, OF MARCHMONT, AT MARCHMONT HOUSE, BERWICKSHIRE.

MARCHMONT MSS.

Hugh, the third and last Earl of Marchmont, who was also Lord Polwarth of Polwarth, under an earlier creation, was a very accomplished statesman. During the six years in which he was a member of the House of Commons under the title of Lord Polwarth from 1734 to 1740, in the lifetime of his father, the second Earl of Marchmont, he greatly distinguished himself by his able opposition to Sir Robert Walpole. After his succession to his peerage of Marchmont, he was, in the year 1750, elected one of the representative peers of Scotland. He was re-elected at each subsequent general election till the year 1784. During these thirty-four years of representative service in the House of Lords, he was punctual in attendance and very active in reference to all the business which came before the House. In the year 1764, he was appointed Keeper of the Great Seal of Scotland, which office he held till his death, which took place at Hemel Hempstead in Hertfordshire, his usual English residence, on 10th January 1794, in the eighty-sixth year of his age.

The Earl of Marchmont was on intimate terms with many of the eminent men of his time, including Alexander Pope, the poet, who pronounced his famous and oft-quoted panegyric on his genius. The poet died in the year 1744 and appointed the Earl one of his executors under his will. Another distinguished friend of the Earl was Sarah, Duchess of Marlborough, who died in the same year as Pope. Her Grace also appointed Marchmont one of her executors, leaving him a substantial legacy of two thousand five hundred pounds. The Earl of Marchmont, Lord Bolingbroke, and Mr. Pope were all on such intimate terms that they were called the triumvirate of friends.

Lord Marchmont was a zealous collector of rare books and valuable manuscripts. In some biographical notices it is stated that his collection formed one of the most curious and valuable in Britain.

On the death of the third Earl of Marchmont in 1794, predeceased by his two sons without issue, several claimants appeared for his title of Earl, and also for his title of Lord Polwarth, as well as for his Marchmont estates, which included Home Castle, so prominent in the Merse as the ancient stronghold of the Earls of Home, chiefs of the Marchmont branch of that distinguished Border race. The title of Earl of Marchmont, being limited to heirs male, was claimed by Captain Alexander Home, a member of the family of Wedderburn, as the nearest heir male of the Homes of Polwarth and Marchmont. The claim was referred to the House of Lords on 10th February 1804. But it does not appear to have been actively prosecuted, as the first printed case was lodged for the claimant in 1820. Another printed case was presented in 1822. Captain Alexander Home, the claimant, died in

the month of February 1823. He was succeeded by his eldest son Francis Home or Francis Douglas Home, on whose behalf an additional case was printed in the year 1842.

On referring to the large volume of evidence printed on behalf of both the claimants and also for Sir Hugh Hume Campbell of Marchmont in opposition to the claims, we are reminded of several incidents connected with the original claim. Both the printed cases bear the signature of "H. Brougham" (afterwards Lord Chancellor) as one of the Counsel, who also appeared at the hearing of the case as Counsel for the original claimant and chiefly led the evidence. Sir Charles Wetherell was also another eminent Counsel for the claimant in 1822.*

On the claim of Captain Alexander Home and his son to the Marchmont peerage no decision has been pronounced after the lapse of nearly a century from the death of the Earl in 1794.

Another claimant after the death of Earl Hugh was his grandson, the late Hugh Scott of Harden, who claimed the peerage of Lord Polwarth of Polwarth, and his claim was found by the House of Lords to have been made out in the year 1835. The Laird of Harden thus became the Lord of Polwarth. After his death in 1841, his eldest son, Henry Francis Hepburne Scott, succeeded as the second Lord Polwarth of the House of Harden. On his death in 1867, his son, Walter Hugh Hepburne Scott, the present Lord Polwarth, is now the third Scott Lord Polwarth.

The late Hugh Scott of Harden, the successful inheritor of the title of Lord Polwarth, also claimed the Marchmont estates as the heir general or heir of line of the third Earl of Marchmont through his daughter Lady Diana Hume, who was the mother of Hugh Scott of Harden, afterwards Lord Polwarth, as above mentioned. But the House of Lords decided that the settlement of the Marchmont estates made by the third Earl of Marchmont on 5th November 1790 vested them in Sir William Purves of Purves, Baronet, as descended from Lady Anne Hume, sister of the third Earl of Marchmont, in preference to Hugh Scott, Lord Polwarth, who was descended from Lady Diana Hume, the daughter of the Earl. Sir William Purves Hume Campbell of Marchmont, Baronet, was succeeded in the Marchmont estates by his only son the present Sir Hugh Hume Campbell of Marchmont, Baronet, who is the possessor of the Marchmont muniments now reported on by his special permission.

The inheritors of the Marchmont estates and the peerage of Lord Polwarth, as above explained, were not the only persons who benefited by the death of the third Earl of Marchmont. His Lordship had for many years of his long life been on very intimate terms with the Right Honourable Sir George Rose, who was very prominent in many public affairs. Lord Marchmont made Sir George Rose his only executor, and specially bequeathed to him his rare and valuable library of books above mentioned. Sir George Henry Rose, son of Sir George Rose, inherited the Marchmont library from his father on his death, and after the lapse of twelve years he personally edited and published a selection from the Marchmont papers in three volumes, octavo, London, 1831. In his carefully written preface he explains that the late Earl of

* At a meeting of the Committee for Privileges on 8th May 1843, almost half a century ago, the minutes bear that Mr. William Fraser was called in and sworn and produced evidence on behalf of Sir Hugh Hume Campbell [Minutes of Evidence, 1843, p. 380]. He had previously become acquainted with the Marchmont muniments on behalf of their owner, Sir Hugh Hume Campbell. The collection has thus been known to the Reporter for upwards of fifty years.

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Marchmont at his death deposited with his father, the late Sir George Rose, his sole executor, as a sacred trust, all the manuscripts of his family, with an injunction to make use of them if he should ever find it necessary. In a note to that statement it is added: "It has been "stated since my father's death, on unquestionable authority, that "'many other manuscripts of great value and interest are yet preserved "in the archives of Marchmont House in Scotland.' This he had no "means of knowing. The late Earl, long before his death, removed "his library and a great mass of family papers to Hemel Hemsted in "Hertfordshire, where he spent the last years of his life, and where "my father found them when he inherited them on his Lordship's "decease" [Preface, p. xi., and appended note].

The three volumes of Marchmont Papers published by Sir George Henry Rose form a very interesting work on the family of the Earls of Marchmont, and specially on the three distinguished Earls of that name, each of whom became a very prominent figure in his day. Sir George Henry Rose explains that the entire mass of Marchmont papers inherited by him was very large, and that the selections published in his three volumes only form a small portion of the entire collection. The present Report amply shows that the third Earl of Marchmont had not removed all the Marchmont muniments from Marchmont to Hemel Hempstead, his English residence, as Sir George supposed. The present Report only deals with the Marchmont Papers still preserved at Marchmont, and not in any way with those which were bequeathed to Sir George Rose.

After the publication of the selections from the Marchmont papers in England, Sir George Henry Rose entered into negotiations with Hugh Scott Lord Polwarth. Under these negotiations, Lord Polwarth acquired by purchase the valuable library left by the third Earl of Marchmont to Sir George Rose, and it now forms of itself a large library in Lord Polwarth's residence at Mertoun House, Berwickshire. Although I have seen the books on several occasions there, I did not make such a minute inspection as to ascertain whether the library so acquired by Lord Polwarth included all the Marchmont papers bequeathed to Sir George Rose, and specially that portion of them which was published by his son in 1831. At a recent meeting with His Lordship on the subject he was unable to inform me of the nature and extent of the Marchmont papers which were received from Sir George H. Rose along with the library. But he promised to make inquiry on the subject.

In the course of my inspection and examination of the muniments at Marchmont, and which commenced in the year 1842, in reference to the Marchmont Peerage, I discovered a large collection of State and Official documents. These were prepared when Patrick the first Earl of Marchmont held the office of Lord Chancellor, between the years 1696 and 1702 inclusive. At that period it seems to have been the practice of certain officials of high rank to retain Royal Warrants and other Crown writs in their private houses. In these earlier days the official accommodation, even for officers in important positions, appears to have been very limited, and that led to much of the public business being transacted in the private apartments of public officials. The public and official documents discovered by me at Marchmont consisted of:—(1.) Original Warrants under the sign manual of King William the Third for Patents of Peerages, Baronetcies, and other instruments. (2.) Signatures under the sign manual and cachet and the hands of the Lords of Exchequer for Crown Charters, &c.

(3.) Precepts from the Privy Seal for Crown Charters passing the great seal. Under the first of these classes there are Warrants for Patents of the Dukedoms of Hamilton and Argyll, the Marquisate of Lothian, the Earldoms of Tullibardin, Ruglen, March, Marchmont, Hyndford, the Viscounts of Seafield, Teviot, Dupplin, and Rosebery, and the Lords Boyle of Kelburne and Portmore; also Warrants for Commissions to High Commissioners to the Parliaments of Scotland and the General Assemblies of the Church of Scotland, and also for Commissions to Presidents of the Privy Council, Keepers of the Privy Seal and other offices, and Warrants for Patents to several Baronetcies. The Signatures and Precepts for Crown Charters relate to numerous lands and baronies, and to public offices.

All these official documents amounted to upwards of 700 in number. A detailed inventory of each of these writs was made in the year 1848. Sir Hugh Hume Campbell, as the owner and custodier of these muniments, with great public spirit handed over the entire collection to the Lord Clerk Register to be preserved in Her Majesty's General Register House as part of the National Records of Scotland.*

In the preface to the first volume of the folio edition of the Acts of the Parliaments of Scotland, 1844, pp. 54 and 210 (red ink), the editors refer to "The Marchmont Manuscript." It is described by one of them who examined it as a "folio volume of paper in Scotch written "in the year 1548, and, as appears from frequent markings, by a scribe "named Robert Ewyn. It was formerly the property of Alexander "Home, of Manderstown, and is now preserved in the library at "Marchmont." The contents are then stated under 13 heads of laws of the "gude" King David in Regiam Majestatem. At the end of the heads or chapters there is an attestation that it was written by Robert Ewyn, 1548. In the same first volume of the Acts there are notices of several other copies of the Scotch laws similar to the one at Marchmont.

With these preliminary explanations which are considered necessary for understanding the rather complicated inheritance of the Marchmont estates, and also of the muniments now preserved at Marchmont House, it may be further explained that the present Report includes a selection of the most interesting and historical documents contained in the charter muniments at Marchmont House.

The Report is arranged under the following six heads:—

Head 1. Ancient Charters and other Writs chiefly relating to the lands and families of Polwarth and Home, 1343—1568.

Head 2. Papers relating to the Nunnery of North Berwick, 1523—1547.

Head 3. Miscellaneous Writs of the Homes of Polwarth, &c., 1427—1700.

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* In the seventeenth Report to the Lord Clerk Register by the Deputy Clerk Register, 13th December 1864, under the heading, "Discoveries of Ancient Records," it is stated, page 11, that the Marchmont Public Documents were, on 25th March 1848, transmitted to the Register House, through the kindness of Sir Hugh Hume Campbell, accompanied by an exact inventory. The same Report by the Deputy Keeper of the Records shows that the good example of Sir Hugh Hume Campbell was soon followed by her Grace, Anne Duchess of Sutherland and Countess of Cromartie, who, on 4th April 1864, transmitted to Her Majesty's General Register House a large collection of public documents found at Tarbat House, of precisely the same nature as those found at Marchmont, and relating to the period from 1703 to 1710. The late Duchess of Sutherland and her husband the late Duke were pleased to give me a commission to form the Cromartie muniments into a family history, which was completed in the year 1876 in two volumes, quarto.

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Head 4. Papers relating to the Berwickshire families of Spens, Wolff, and Trotter, 1514—1700.

Head 5. Discharges and other Writs by Abbots and Commendators, and other ecclesiastics shortly before and after the Reformation, 1524—1643.

Head 6. Miscellaneous Records, Journals, Heraldic Manuscript, and other Writs relating to the Homes of Polwarth.

Of the lands of Polwarth, in the parish of that name, which became the principal estate of the Homes of Polwarth and Earls of Marchmont, we have the first notice in [No. 2 *infra*]. They belonged to a family of the name of Polwarth, which was either given or taken from the lands at a very early period, as the surname is found in charters to the Abbey of Coldingham. The last of the lairds of Polwarth of that name, Sir Patrick Polwarth of that ilk, resigned his lands into the hands of his feudal superior, George Earl of March, who, in 1377, bestowed them upon John Sinclair, of Herdmanstown. From the latter they descended along with the lands of Kimmerghame [*cf.* Nos. 5, 6, 8, 9] to two heiresses, Marion and Margaret Sinclair. The first married George Home, of Wedderburn, while the second married his younger brother, Patrick, afterwards Sir Patrick Home, who became the ancestor of the Homes of Polwarth. Sir Patrick died in December 1503, and was succeeded by his eldest son, Alexander, the son of Margaret Sinclair [No. 12]. Sir Patrick's second wife was Ellen Shaw, widow of Archibald Haliburton of Dirleton. In 1536 and 1541 she granted presentations as patroness of a prebend of Dunglass [No. 19]. Their son, George Home of Lundies, is referred to in a writ [No. 20] which is interesting as giving the real name of the mother of Adam Bothwell, afterwards Bishop of Orkney, and who officiated at the marriage of Queen Mary with Bothwell. She was named Catherine Bellenden, not as usually stated, Janet Richardson, and appears from her seal to have been of the Auchnoull family.

Alexander Home, second of Polwarth, was also twice married. His second wife was Margaret Lauder, named in the Dispensation [No. 14], who was the widow of Mungo Hepburn, of Waughton [No. 39]. His first wife was Margaret Crichton, and it appears from the sentence of divorce in No. 60 that he entered, though unsuccessfully, into other matrimonial relations. He is named in other writs [Nos. 13, 59, and 62] as dealing with members of the old Berwickshire families of Spens of Harden, and Wolf of Waldelie or Wedderlie, and [Nos. 57—69] may be indicated as giving information about these families, and also that of Trotter, the list of furnishings, &c., in No. 58, the reference to the battle of Solway Moss in No. 61, and the marriage contract No. 64 being most noteworthy. We have a slight reference to the sons of Alexander Home in No. 18, but there is nothing special recorded of any member of the family until 1592, when we find Patrick Home, then younger of Polwarth, commended by the Duke of Lennox for his services, and appointed keeper of the Castle of Tantallon.

Attention may also be drawn to some of the miscellaneous writs not directly relating to the Homes of Polwarth. The oldest of these [No. 1], dated in 1343, gives the names of several members of the old family of Ross of Haining. The Haliburtons of Gogar and Dirleton, the Homes of Wedderburn, and the Edgars of Wedderlie, are referred to in Nos. 4, 9, and 10. The Homes of Law and of Heñch, and the Cranstouns of Corsbie in Nos. 21—23. Nos. 24—29 relate to the priory or convent of nuns of the Cistercian Order at North Berwick,

an ancient foundation with which, about the year 1520, the Homes of Polwarth became connected, a member of the family being Prioress. The instrument, No. 28, about the lost seal of the priory, is of special interest. Margaret Hume, prioress [No. 29], who grants a lease of the Heugh to Alexander Hume, was a sister of Patrick Hume of Polwarth.

The chief collection of miscellaneous writs consists of Nos. 30—56. Few of these are specially noteworthy, but the following may be referred to. No. 37, the testament of Alexander Home of Redbraes. No. 42, 43, and 46, which illustrate the mode of payment of salaries to retainers of the royal households of King James the Sixth and his Queen. Sir John Skene of Curriehill's receipt [No. 48] for Sir Patrick Home's proportion of the tax for printing the old laws of Scotland is of interest, as also the certificate [No. 49] as to George Home's performance of the duties required of him as a landowner in Ireland. No. 56 relates to the Scottish descent of the Princess Czartorisky in 1700.

The papers now reported on also contain a number of minor ecclesiastical documents of dates before and after the Reformation, a few of which may be noticed, such as the tack of the teinds of Moordean, by Thomas Ker, Abbot of Melrose, at so early a date as 1524 [No. 70]; the monition [No. 71], directed by George Crichton, bishop of Dunkeld, to the parishioners of Dull in Athole, to pay their teinds and dues to John Wynram, subprior of the priory of St. Andrews. John Wynram afterwards joined the Reformers, and become superintendent of the district of Fife. No. 73 contains a mandate by "Dene" Adam Chatto, subprior of Kelso, for absolving Alexander Hume, younger, and James Hasty, from the sentence of excommunication, under which they had fallen for not paying their teinds of Woodhead. There are also a series of discharges by William Schaw, provost of Abernethy [No. 77]; Alexander Colville, commendator of Culross [No. 79]; Robert Douglas, provost of the College of Lincluden [No. 81]. The precept of sasine, No. 83, is interesting, because granted by Andrew Ker of Fawdounsyde, second husband of Margaret Stewart of Ochiltree, widow of John Knox, the Reformer, while two of the Reformer's grand-nephews are witnesses.

The remaining writs are so fully described and explained in the Report itself, that it is superfluous to recapitulate them here. Attention may, however, be called to the papers relating to Alexander Hume, the minister of Logie, and a poet of note in his day [Nos. 84, 85]. A Pass by Oliver Cromwell to Lady Polwarth, to go from Edinburgh to Redbraes, may also be noted, and the warrant and patent for creating Patrick, Lord Polwarth, Earl of Marchmont. Two historical documents of considerable importance are here printed in full for the first time. These are the Additional Instructions to Patrick, Earl of Marchmont, as Commissioner to the Parliament of Scotland in the year 1698; and his Instructions to represent the King in the General Assembly of the Church of Scotland in the year 1701–2. King William died a few days after signing the Warrant and Instructions. These are the last public acts of the King with reference to the Presbyterian Church of Scotland. Owing to his death before his warrant was acted upon, a new warrant was granted by Queen Anne on the day of King William's death.

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HEAD FIRST.—ANCIENT CHARTERS and other WRITS chiefly relating to the lands and families of Polwarth and Hume, 1343—1568.

1. Charter by Robert, Steward of Scotland (afterwards King Robert II.), confirming to Elizabeth Pollok a charter of the lands of Galston. 1343.

Omnibus hanc cartam visuris vel audituris, Robertus Senescallus Scocie, salutem in Domino sempiternam. Noueritis nos inspexisse ac veraciter intellexisse cartam Willelmi de Ross, filii et heredis quondam Walteri de Ross, dominus del Haynnyng in tenemento de Gallistown in Kyle Senescalli, non abolitam, non cancellatam nec in aliqua sui parte viciatam in hec verba:—Omnibus hanc cartam visuris vel audituris, Willelmus de Ross, filius et heres quondam Walteri de Ross, dominus del Haynyng in tenemento de Gallestown in Kyle Senescalli, salutem in Domino sempiternam. Noueritis me dedisse, concessisse et hac presenti carta mea confirmasse Elizabet, filie Petri de Pollok, et heredibus suis inter me et ipsam legittime procreatis [illas] duas pecias terre mee cum pertinenciis jacentes in dicto tenemento que vocatur le Haynyng et Achencros ; tenendas et habendas eidem Elizabet et heredibus suis inter me et ipsam legittime procreatis de me et heredibus meis quibuscunque, in feodo et hereditate, per rectas metas et diuisas suas, cum omnibus [pertineneiis, liberta]tibus, commoditatibus et aysiamentis ad illas duas pecias terre iuste pertinentibus seu pertinere valentibus, adeo libere et quiete sicut ego et predecessores mei easdem duas pecias terre tenuimus vel potuimus tenere, sine prestatione alicuius multure : et ipsa Elizabet et heredes sui inter me et ipsam legittime procreati propinquiores erunt ad molendum in molendino de Achineross post proprium bladum meum et heredum meorum inuentum in trimodio ; faciendo inde ipsa Elizabet et heredes sui inter me et ipsam legittime procreati forinsecum seruicium domini regis quantum pertinet ad seruicium vnius architenentis, et reddendo inde annuatim michi et heredibus meis quibuscunque vnum par albarum calcarium ad festum apostolorum Petri et Pauli, pro omni alio seruicio, secta curie mee et heredum meorum, consuetudine et demanda seculari ; et si contingat, quod absit, dictam Elizabet in fata decedere sine herede inter me et ipsam legittime procreato dicte due pecie terre cum pertinenciis ad me et heredes meos libere reuertentur. Et ego Willelmus predictus et heredes mei quicunque dictas duas pecias terre cum pertinenciis adeo libere sicut prescriptum est dicte Elizabet et heredibus suis inter me et ipsam legittime procreatis contra omnes homines et feminas in forma prescripta imperpetuum warantizabimus, acquietabimus et defendemus, pro annuo redditu supradicto. In cuius rei testimonium presenti carte sigillum meum apposui, hiis testibus, Dominis Roberto de Cunyngham, Jacobo de Cunyngham et Adam More, militibus ; Jacobo Senescalli tunc vicecomite de Are, Willelmo de Twyname, Jacobo de Crauforde Willelmo de Gobensketh et aliis multis. Quamquidem cartam in omnibus punctis, conditionibus, articulis et circumstanciis suis vniuersis, forma pariter et effectu, ratificamus, approbamus et tenore presentis carte nostre pro nobis et heredibus nostris in perpetuum confirmamus : In cuius rei testimonium presenti carte nostre sigillum nostrum fecimus apponi ; testibus, nobilibus viris Dominis Johanne Senescalli de Pretwyk, consanguineo nostro, Johanne de Crauforde de Grenok, Johanne de Lyndesay de Thoriston, militibus, Willelmo de Keth, Jacobo de Crauforde, Adam More, Roberto Logan et multis aliis :

Apud Prestwyk, septimo die mensis [Octo]bris, anno Domini millesimo ccc quadragesimo tercio. MARCHMONT MSS.

2. Charter by King James I. confirming grant (dated 1377) by George Earl of Dunbar, of the lands of Polwarth. 1429.

Jacobus Dei gracia rex Scotorum, omnibus probis hominibus tocius terre sue clericis et laicis, salutem. Sciatis nos quamdam cartam dilecti consanguinei nostri quondam Georgei de Dunbar, comitis Marchie, domini vallis Anandie et Mannie, factam et concessam dilecto et fideli nostro Johanni de Sancto Claro de Hirdmanstown, de omnibus et singulis terris ville de Polworth vnacum omnibus tenandiis in eadem cum pertinenciis, de mandato nostro visam, iectam, inspectam et diligenter examinatam, non rasam non abolitam, non cancellatam, nec in aliqua sui parte uiciatam, sed omni prorsus vicio et suspicione carentem intellexisse ad plenum; cuiusquidem carte tenor sequitur et est talis:— Omnibus hanc cartam uisuris vel audituris, Georgius de Dunbar, comes Marchie, dominus vallis Anandie et Mannie, salutem in Domino sempiternam. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Johanni de Sancto Claro, domino de Hirdmanstoun, pro homagio suo et seruicio, omnes terras nostras ville de Polwrth cum suis pertiñenciis, vna cum tenandriis omnibus in eadem villa iacentibus, per suas rectas mẽtas et antiquas; quequidem omnia et singula cum pertinenciis suis omnibus dominus Patricius de Polwrth miles, quondam dominus eorundem, nobis sursum reddidit et per fustem et baculum pro se et heredibus suis pure et simpliciter in presencia proborum plurium imperpetuum resignauit: Tenendas et habendas predicto Johanni et heredibus suis de nobis et heredibus nostris, in boscis, ... in feodo et hereditate imperpetuum: Reddendo inde nobis et heredibus nostris forinceeum seruicium debitum et consuetum tantum pro omnibus aliis seruiciis . . . Et nos dictus Georgius et heredes nostri omnes predictas terras de Polwrth . . . predicto Johanni et heredibus suis contra omnes mortales warantizabimus, &c. In cuius rei testimonium presenti carte nostre sigillum nostrum fecimus apponi, hiis testibus, Johanne de Dunbar, comite Morauie, Dominis Waltero de Haliburtoun domino eiusdem, Patricio de Hepburne domino de Halis, Johanne de Edmondstoun domino eiusdem, Alexandro de Haliburtoun, Johanne de Turribus et Johanne de Haliburtoun, militibus, Nigello de Conynghame, domino de Beltoun, Alexandro de Cokburne, domino de Langtoun, Alexandro de Riclyntoun, Phiilippo de Nesbit domino eiusdem, Roberto Leth et aliis. Datum apud Dunbar, duodecimo die mensis Junii, anno Domini millesimo ccc^{mo} lxx^{mo} septimo. Quamquidem cartum, donacionem et concessionem in eadem contentas, in omnibus punctis suis et articulis condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectu, in omnibus et per omnia, approbamus, ratificamus et imperpetuum confirmamus, saluo seruicio nostro. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus, testibus, reuerendo in Christo patre Johanne episcopo Glasguensis, cancellario nostro, Johanne Forestarii, camerario nostro, Waltero de Ogilbi, thesaurario nostro, militibus, Magistro Willelmo Foulis, custode priuati sigilli nostri, preposito de Bothuile, et magistro Thoma de Myretoun, decano Glasguensi, apud Edinburgh, nono die mensis Maii, anno regni nostri vicesimo quarto. [1429.] (This charter is not recorded in the books of the Great Seal Register now extant.)

3. Notarial Instrument narrating that John of Catpayir of Polworth resigned by staff and baton into the hands of John Sinclair of Herd-

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manstoun and Polworth, his over-lord, his whole land with pertinents lying in the town and territory of Polworth within the sheriffdom of Berwick, namely, the half of a husband land, with all his claims. Done at the Castle of Herdmanstown at 10 a.m., 31 January 1437–8, in presence of John Yhule, William Coxson, Thomas Dicson, Patrick Thomson and Edward Stenson. William Harpar, notary.

4. Letter of Reversion by George Haliburton of Upper Gogar to his brother Sir Walter Haliburton, as to the lands of Betshiel. 1439.

"Be it knawyne til al men be thir present letres, me, George of Haliburtoun of Vuergogar, to be oblyst lely and trewly be the fayth of my body for me, myne ayris and myne assignes, til a nobil man, Schir Waltere of Haliburtoun of that Ilk, knycht, my brother, that albeyd the said lorde haf gyffyne to me al the landis of Betschele with the pertinence lyand within the scherefdome of Berwic, and gyffyne to me tharof charter and sesyng, nevirtheles I wyl and grauntis for me, myne ayris and myne assignes, that qwhat tyme efter the fest of yule next folowand efter the date of thir letres the said Schir Waltere, his ayris or his assignes, pays to me, myne ayris or myne assignes, ane hundreth markis of vsuale mone of Scotland on a day betuix the rysyng of the sone and the dovngangyn of the samyne, in the paryse kyrk of Boltone, on the he altare, but fraude or gyile, than I, myne ayris or myne assignes, sal deliuer and vpgyf to the said lorde, his ayris or his assignes, alhale the said landis of Betschele with the pertinence, togydder with the forsayd charter and sesyng tharof to me gyffyne, sa that the said charter na sesyng haf nowther force na effec fra that tyme furth in tyme to cwm. In witnes of the quhilk thyng to thir letres I haf set my seil, at Dryltoun the xxij day of the moneth of June the yere of oure lord a thowsand four hundreth thretty and nyne." [This writ was transumed or copied by a notary on 13th May 1449 at the instance of Thomas Congyltoun, son of John Congyltoun of that Ilk, by Alexander Clerkson, notary in the burgh of Haddington at 8 a.m. Witnesses, Giles Ker, squire, William Harpar, notary public, and William Clerkson, burgess of Haddington.]

5. Transumpt of Charter by King James Second to John Sinclair, of the lands of Polwarth, 17th July 1443.

Jacobus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Johanni de Sanctoclaro, filio et heredi Johannis de Sanctoclaro de Hyrdmanstoun, omnes et singulas terras de Polworde cum pertinenciis, iacentes infra vicecomitatum de Berwico. Quequidem terre cum pertinenciis fuerunt dicti Johannis de Sanctoclaro hereditarie; et quas idem Johannes non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras per fustem et baculum coram testibus per suas literas patentes et procuratorem suum ad hoc legittime constitutum, sursum reddidit pureque simpliciter resignauit, ac totum jus et clameum que in dictis terris cum pertinenciis habuit seu habere potuit pro se et heredibus suis omnino quitum clamauit imperpetuum. Tenendas et habendas prenominatas terras cum pertinenciis dicto Johanni et Katrine sponse sue et eorum alteri diucius viuenti, ac heredibus inter ipsos legittime procreandis, quibus forte deficientibus veris et legittimis heredibus dicti Johannis quibuscunque, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, . . . adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia,

sicut dictus Johannes aut aliquis predecessorum suorum prenominatas terras cum pertinenciis de nobis aut predecessoribus nostris ante dictam resignacionem nobis inde factam liberius tenuit seu possedit: Faciendo inde nobis et heredibus nostris dicti Johannes et Katrina et eorum alter diucius viuens ac heredes inter ipsos legittime procreandi, quibus forte deficientibus veri legittimi et propinquiores heredes dicti Johannis quicunque, seruicia debita et consueta. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; Testibus, Reverendis in Christo patribus, Jacobo, Johanne, Jacobo et Michaele ecclesiarum Sanctiandree, Glasguensis, Dunkeldensis et Dumblanensis episcopis, dilecto consanguineo nostro Willelmo Domino de Crychtoun cancellario nostro, Alexander de Lewingstoun de Calentare, Johanne Sibbalde de Balgowny, militibus, Jacobo de Lewingstoun scutifero, Magistro Willelmo Turnbule, nostri privati sigilli custode, et Magistro Georgio Schoryswode, clerico nostro, apud Striuelyn, decimo septimo die mensis Julii, anno Domini millesimo quadringentessimo quadragesimo tertio et regni nostri septimo. [This charter was transumed on 2nd May 1472, at the order of John of Ottirburn, Licenciate in Decrees, Provost of the Collegiate church of Methven, canon of Glasgow and official of St. Andrews in the archdeaconry of Lothian, sitting in the usual Consistory Court in St. Giles Church, Edinburgh, as requested by Katrine Home, relict of the late John Sinclair, son and apparent heir of John Sinclair of Herdmanstoun, and now spouse of Archibald Douglas, and Mr. Thomas Pyt, rector of Abbotroul, her procurator. Witnesses, Gilbert Otterburn, rector of Slains, Andrew Wardlaw, Patrick Louthian, Thomas Halyday, James Fulford, and John Lany, presbyters. The seal of the official is appended, in a defaced condition. It represents a mitred head and shoulders, with a coat of arms beneath. The royal charter is not contained in the extant portions of the Register of the Great Seal.]

6. Retour of service of Margaret Sinclair as one of the heirs of her grandfather in the lands of Kimmergham. 1467.

Hec Inquisitio facta fuit apud Berwic super Twedam, in curia vicecomitis de Berwic tenta in pretorio eiusdem coram Adam de Hepburne de Dunsyar, vicecomite de Berwic, septimo die mensis Aprilis, anno Domini millesimo quadringentesimo sexagesimo septimo, per istos subscriptos magno sacramento interueniente iuratos, videlicet, Robertum de Laweder de Edringtoun, Adam de Nesbit de eodem, Robertum Inglis de Lochend, Adam de Blacader, David Lumysden de Blenhern, Johannem Atkynsoun de Lathame, Thomam de Lummysdene de eodem, Nicholaum de Paxtoun, Johannem Ellame de Butterdene, Patricium Sleich de Cumliche, Nicholaum Forman de Hutoun, Thomam Edyntoun de eodem, Johannem de Lummysdene, Alexandrum de Manderstoun, Jacobum de Kellow, Robertum Dicson, et Patricium . . .* Gammylschelis armigeros: Qui iurati dicunt quod quondam Johannes Synclar, [auus] Margarete Synclar, latricis presencium, obiit . . . de feodo ad pacem et fidem domini nostri regis de [terris de Kim]byrgiame cum pertinenciis vbicunque infra villa . . . . tibus vnacum superdominio omnium liberetenencium . . . jacentibus in regalitate de Bonkil infra . . . dicta Margareta est [vna] de legittimis . . . heredibus dicti quondam Johannis aui sui de . . . superdominio liberetenencium dicte ville . . . legittima et propinquior heres dicti quondam Johannis . . . dictarum terrarum et

* The blanks throughout are caused by defaced portions of the writ.

superdominii predicti cum per[tienciis] . . . legittime etatis, et quod dimidietas dictarum terrarum et super dominii predicti cum pertinenciis valet nunc per annum viginti . . . Scotie et tantum valuit tempore pacis: et quod tenetur in capite de domino comite Angusie tanquam domino regalitatis . . . albe firme Reddendo inde sibi annuatim vnum denarium argenti in festo Penthecostis nomine albeferme si petatur tantum. Et [quod] nunc existit in manibus dicti domini comitis legittime per seipsum per mortem dicti quondam Johannis Synclar ob defectum prosecutionis . . . jus suum hucusque inde non prosequentis, a tempore obitus dicti quondam Johannis, qui obiit vicesimo die mensis Decembris vltimo elapsi, anno Domini millesimo quadringentesimo sexagesimo sexto. In cuius rei testimonium quidam eorum qui dicte inquisitioni intererant sigilla sua sub inclusione sigilli prefati vicecomitis cum breui incluso presentibus appenderunt anno die loco et mense supradictis. [Four seals and a fragment still appended—all defaced.]

7. Charter by Alexander Duke of Albany, Earl of March, &c. granting to Thomas Schoriswod for his faithful service two husband lands with the half of a husband land, lying in the town and territory of Grenlaw, in the earldom of March, belonging to the late William Edwardson and resigned by him; to be held to the said Thomas, his heirs, &c. of the Duke and his heirs, in fee and heritage as the late Thomas Dauison held the lands, and for the same service. Dated at Dunbar, 11th April 1470. Signed "Alexāder Dwk of Albany." Witnesses, Sir James Liddell knight, the Duke's master of household, Mr. Alexander Inglis his secretary, subdean of Dunkeld, Mr. George Liddell rector of Forest, David Rantoun of Billy and George Roule. A fragment of seal attached.

8. Instrument of Sasine in terms of letters by Alexander Duke of Albany, &c. directed to Patrick of Smetoun as bailie to give sasine to Marion Sinclair, wife of George Hume of Wedderburn, of the lands of Polwarth, in the earldom of March and sheriffdom of Berwick as senior heir; "Qui uero Patricius tanquam filius obediencie volens mandatum sui domini ad promptum in omnibus adimplere, prefato Georgio actornato dicte Mariote statum saisinam et possessionem dictarum terrarum de Polwart cum pertinenciis, per lapidem et terram in manu dicti Georgii per prefatum Patricium balliuum impositos, per capsulam ostii et introitum euisdem principalis domus loci de Polwart, auctoritate dictarum literarum, contulit et assignauit; ac ipsum Georgium actornatum in realem actualem et corporalem possessionem dictarum terrarum omnibus modis quibus melius et efficacius potuit corporaliter nomine quo supra introduxit et inuestiuit." Sasine given 10th November 1475. Witnesses, Archibald Douglas, Alexander Chirnside of East Nisbet, Sir James of Tranent, vicar of Fogo, Sir Thomas Gamyll, curate of Polwarth, and others.

9. Letters of Obligation by John Murray and Elizabeth Sinclair, by which they oblige themselves in favour of David Home of Polwarth, son and apparent heir of George Home of Wedderburn, that on payment of eleven score of merks Scots they will resign to him all their lands in the lordship of Polwarth, and they bind themselves not to molest him in possession, under a penalty of 400 merks. Dated at Edinburgh, 24th January 1479–80. Witnesses, Thomas Lowis of Manor, George Cant, Henry Cant, and others. Two seals appended. The first shows a shield charged with a hunting horn, three mollets in

chief and a fourth as a mark of cadency. Legend, "S. JOHANNIS MORRA." The second seal is broken, but shows the engrailed cross of Sinclair. Legend imperfect.

10. Notarial Instrument narrating that in presence of the notary and witnesses there compeared Adam Edgar, Laird of Wedderlee, and acknowledged that with consent of Robert Edgar, his son and apparent heir, he had sold his land of Polwarth, commonly called Leland, to David Hume of Polwarth his over-lord for twenty merks Scots, which lands he resigned in the parish church of Polwarth, with all his rights. Done in the parish church of St. Kentigern of Polwarth on 6th March 1486–7. Witnesses, George Sinclair, Oliver Edgar, Thomas Hasty, Patrick Grefe, Andrew Gilly, Robert Johnstone, John Mody, Richard Thomsone and Hugh Spens.

11. Charter by King James the Fourth, confirming a charter (dated at Ayr, 7th September 1496) by George Ross, Laird of Haining, granting to his son George Ross and a series of heirs named, the lands of Haining in the sheriffdom of Ayr. Confirmed at Stirling, 6th June 1498. [This writ is recorded in the present Register of the Great Seal, and its existence only is noted here.]

12. Retour of Inquest made in presence of George Master of Angus over-lord of the lands, by Patrick Sleych of Cumlych, Alexander Ellame of Buttyrdane, James Spens of Hardens, Patrick Lummysden de Blanerne, John Yettame, John Auldyncrau, John Atkynson, William Edyngton, David . . . . Sleych, James Sheldyn, John Lummysden of Law, George Sleych, Richard Bene and William Ranton, who upon oath declared that Margaret Sinclair, mother of Alexander Hume, died last vest and seized of fee at the faith and peace of the king in the half lands of Kymbyrgeame &c. in the regality of Bonkill and sheriffdom of Berwick; that the said Alexander is the lawful and nearest heir and that he is of lawful age; that the lands are worth £20 Scots yearly and are held in chief of the Earl of Angus for one penny at Whitsunday of blenchfarm; that they are now in his hands as over-lord by the death of the said Margaret, and of Sir Patrick Hume, knight, from the time of the death of Sir Patrick, six months before the date of the Inquest. Done at Preston, 7th May 1504.

13. Notarial Instrument narrating a contract, dated at Redbraes, 5th November 1518, by which Alexander Hume of Polwarth agrees to pay to Peter Spens of Hardens the sum of 300 merks for the lands of Hardens-above-the-burn, in wadset, while Peter Spens shall infeft the Laird of Polwarth in the less half of his lands in Chirnside, as warrandice of Hardens; and if Spens agrees with John Wolf of "Waudaile" he shall infeft Hume within twenty days. Of the 300 merks 120 are paid, 120 are to be given to Thomas Trotter of Fogo-Rig, to redeem Hardens from John Wolf, and 40 pounds are to be given to Spens immediately. Instrument dated at Redbraes, 15 December 1518. [Various charters and the usual sasines, including one to Alexander Hume and Margaret Crichton his wife followed on this contract. The seal of Peter Spens attached to one writ shows a shield bearing, fretty, with three mollets in chief.]

14. Dispensation for the marriage of Alexander Hume and Margaret Lauder, 23 January 1520–21.

Andreas, Dei et apostolice sedis gratia Archiepiscopus Sanctiandree,

totius regni Scotie primas, legatus natus, ac per vniuersum regnum predictum eiusdem sedis, cum potestate et facultate legati de latere, Legatus, discreto viro Magistro Georgeo Ker, preposito collegiate ecclesie de Dunglas nostre diocesis, salutem in Domino sempiternam. Ex parte dilectorum nobis in Christo nobilium, Alexandri Home, laici, et Margarete Lauder, mulieris nostre Sanctiandree diocesis, nobis oblata petitio continebat, quod ipsi olim scientes se simplici tertio consanguiuitatis gradu inuicem esse coniunctos sese pluries actu fornicario carnaliter cognouerunt, excommunicationis sententiam et incestus reatum propterea incurrendo: cum autem sicut eadem subiungebat petitio dicti exponentes certis de causis rationibilibus et maxime propter hŭiŭsmodi carnalem copulam desiderant inuicem matrimonium contrahere illudque in facie ecclesie solemnizare supplicari fecerunt propterea humiliter dicti exponentes eiis super hiis per nos de debite absolutionis beneficio et oportune dispensationis gratia misericorditer prouideri. Nos igitur ad hec sufficienti apostolica facultate potiti, auctoritate apostolica nobis commissa et qua fungimur in hac parte, discretioni tue committimus, quatenus si est ita eosdem exponentes si id humiliter petierunt ab excommunicationis sententia quam propter premissa incurrerunt absoluas hac vice duntaxat in forma ecclesie consueta, iniunctis inde sibi et eorum cuilibet pro modo culpe penitentia salutari et aliis que de jure iniungenda fuerint: et demum cum eisdem quod non obstante impedimento predicto matrimonium inter se libere contrahere ac in facie ecclesie solemnizare et postmodum in eo remanere libere et licite possint et valeant dispenses, dummodo propter hoc dicta mulier ab aliquo rapta non fuerit, prolem susceptam si qua sit et suscipiendam exinde legittimam decernen. In quorum omnium et singulorum fidem et testimonium premissorum presentes literas exinde fieri fecimus et sigilli nostre legationis jussimus appensione comuniri. Datum Edinburgi, nostre Sanctiandree diocesis, anno incarnationis Dominice millesimo quingentesimo vigesimo, die vero vigesima tertia mensis Januarii, pontificatus sanctissimi in Christo patris et domini nostri domini Leonis diuina prouidentia Pape decimi anno octauo. Visa. Jo. Lauder, secret[us].

15. Precept of Sasine by Patrick Diksoun, son and heir of the late Archibald Diksoun, for infefting Alexander Hume of Polwarth and his heirs in two husband lands lying in the town and territory of Graden, sheriffdom of Berwick, to be held of the king. Edinburgh, 3rd April 1523. Signed "Patrik Diksoun w[t] my hand at ye pen." Seal attached. Two birds *passant*. A mollet in base. Legend, S. PATTRICI DICSON.

16. Lease by Andrew [Durie], Abbot of Melrose, with consent of his convent, granting to "Patrik Haitlye and to his airis and assignais quhatsumeuer, quhilkis beand of na greter degre na hymeselff, all and hail our landis callit the clerkland exceppand ane croft lyand in to the towne of Assintone ij*s*. of mail, the quhilk Patrik Brownefeild hes in tak," all lying in the Merse within the sheriffdom of Berwick; to be held in lease for nineteen years for a yearly rent of 18/ Scots. Dated at Melrose, 8th April 1529. Signed, "Andreas Mellisros Abbas," and also by the sub-prior and twenty-four other monks. [A later writ is a Precept of Clare Constat by James (Douglas) Abbot of Melrose for infefting Patrick Haitly as heir of his father the late Patrick Haitly in the 18/ lands of Clerkleys, bounded as described. Dated at Dalkeith, 22 July 1589. Witnesses, John Douglas of Kennestoun, William Douglas his son, and others. Signed, "Jacobus commendatarius de Melros."]

17. Letters of Bailiary by William Hepburn of Rowanston, appointing Robert Hume, brother-german of the late David Hume of Wedderburn, to be bailie of his lands of Rowanston in the sheriffdom of Berwick, for the term of nineteen years, with full powers. Edinburgh, 15 May 1532. Signed, "Willeam Hepbrun of Rolastun."

18. Notarial Instrument narrating a contract between Patrick Hume of Polwarth and Gavin Hume at the burgh of Jedburgh, by which the former agrees to give the life-rent of the £20 lands of Shiells to the latter who in turn renounces all right or claim he had to his father's lands. Gavin shall also give his bond of manrent to Patrick, excepting no man but the king, and shall also deliver to him his place with his heirship, except a chamber and a stable until Whitsunday when he shall remove, answering to "the lady" for her terce of the lands; while Patrick shall give Gavin his bond of maintenance. Regarding Kimmerghame Mains and Redbraes, Gavin obliges himself for his brother, Alexander Hume, "that he sall deliuer all his part to the said Patrick baith seid and oxin with the teling and harroing therof, he fyndand cautioun to hym as efferis thairfor or than gifand hym the Beldscheaŭll for the samyn for the maill paying, and failzeand therof to gyff to the said Alexander his bruther als mekyll in ane vthir place at the sycht of Andro Ker of Farnhirst and Alexander Schaw of Sauchye for his barnis part of geir forsaid." The penalty for infringement of the contract is 300 merks. Done in the chamber of Andrew Ker of Farnhirst, at the burgh of Jedburgh at 2 p.m., 15th March 1532–3. John Ker and Robert Ker, brothers-german, witnesses with others.

19. Presentation by Elena Schaw, lady of Dirleton, in favour of Bartholomew Bauld of the prebend of Vigorushauch, 1536.

Venerabili et egregio viro Magistro Johanni Chesolme, preposito ecclesie collegiate de Dunglas, Elena Schaw, domina de Dyrltoun, coniuncte infeodationis terrarum de Wygurushauch, Bradyardis cum columbario eiusdem, horse mercat et piscationem aquarum de Tweyd et Tewyoth et vnius annui redditus quadraginta solidorum de terris de Mordenstoun, reuerentias debitas et honores: ad prebendam de Wygurushauch cum suis pertinentiis autelictis, ad meam presentationem vestramque admissionem pleno jure spectantes, dilectum meum Dominum Bartholomeum Bauld presbiterum animo non variandi seu accumulandi vobis tenore presentium presento; Exertans rogans quatenus dictum dominum Bartholomeum presentatum meum in et [ad] huiusmodi prebendam sic vt premittitur recipiatis et admittatis, eandemque sibi conferatis, ac ipsum vel procuratorem suum eius nomine in realem actualem et corporalem possessionem eiusdem inducatis et instituatis, inductumque institutum in eadem canonice defendatis sibique stallum in choro et locum in capitulo assignari faciatis; ac sibi Domino Bartholomeo presentato meo vel suis procuratoribus de vniuersis et singulis terris predictis ac proficuis eiusdem quibuscunque integre responderi faciatis; contradictores vero et rebelles si qui forsan fuerint vestra actoritate artius compescendo, ceteraque faciendo que vobis in premissis iucumbunt peragenda. In cuius rei testimonium sigillum meum vnacum mea subscriptione manuali per tactum calami presentibus est affixum, apud Striuiling, penultimo die mensis Maii, anno Domini millesimo quingentesimo trigesimo sexto; coram hiis testibus, Magistro Patricio Hume meo filio, Patricio Cokburn, Georgio Schaw, et Roberto Lermonth, notario publico, cum diuersis aliis. Signed, "Dañ Eleñ Schaw lady off Dyrltoun with my hand on ye peñ." [The same lady, as widow of Sir Patrick

Hume of Polwarth, knight, patron of the prebend called Vigorushauch, issued another presentation in 1541, in favour of the same person, directed to Mr. Abraham Crichton, provost of Dunglas.]

20. Letters of Reversion beginning "Till all and sindry quham it efteris quais knawlege thir present lettres sal cum, Adam Boithwell, sown of vmquhile Maister Francis Boithwell, and Katherine Bellendene, my moder and tutrice testamentar, greting in God evirlesting," &c., by which they declare that although George Hume of Lundies has sold to the said Adam an annual rent of twenty merks from the lands of Trottanschaw and Byrecleuch and Handaxwood, lying in the barony of Bothwell by annexation, in the lordship of Dy and sheriffdom of Berwick, yet as soon as Hume shall pay upon the altar of St. James the Apostle, within the collegiate church of St. Giles, Edinburgh, the sum of 400 merks, the said Adam binds himself to resign and upgive the annual rent in Hume's favour. Dated at Edinburgh, 4th May 1542; witnesses, James Halden of Glennagas, James Lausoun of Highriggs, Archibald Halden, Patrick Halden and others. Signed "Kathryne Bellendene vyht my hand," "Adam Boithuille wyht my hand." Seals appended, in fair condition. The first, a hart's head, couped, between three cross-crosslets. Legend, "S. KATRINE BALLENTINE SPŌSE M. FRA. B." The second, a chevron between three trefoils slipped. Legend, "S. ADE BOITHVIL."

21. Procuratory of Resignation by Mr. Patrick Hume (of Law) and Margaret Wemyss his spouse, nominating Mr. William Schaw, provost of Abernethy, and John Focart, to resign in the hands of John [Stewart], commendator of Coldingham as superior, the four husband lands of Law and four husband lands with three quarters of another husband land, of Hillend, in the barony of Coldingham and sheriffdom of Berwick; also fourteen husband lands extending to 14 merks of land, three "gerslandis" lying contiguous with the said lands of Law, extending to 30/; 40/ of land called the Halcroft; 20/ of land called "Armestrangis Park;" one cotland with two acres of land adjoining the lands of Law, extending to 10/ of land; three husband lands and a half in the town of Coldingham extending to 46/8 of land; one cotland in the said town of Coldingham, called "Clinkskaillis," extending to 10/ of land; and the half of a cotland in said town with tofts, etc., all in the said barony and sheriffdom, for new infeftment to the resigners in liferent and their son and heir apparent David Hume and his heirs. Dated at Coldingham, 2 September 1556. Signed, "Mast Patryk Howm of ye law wyt my hand." "Margaret Wemys wt my hand." Seals appended, the first bearing quarterly 1st and 4th a lion rampant, 2 and 3 three birds with a crescent for difference, "S. PATRICII HUME;" the second bearing the four lions of Wemyss, legend indistinct.

22. Charter by John Cranstoun of Corsbie granting to his wife Elizabeth Swinton in liferent his lands and barony of Bowne with tower and manorplace of Corsbie, and mill of the same, with the lands of Doddis and mill thereof in said barony, lying in the sheriffdom of Berwick; also all and sundry the sixteen merks of lands of "Leythheid, Leidom, Byarno and Harlaw," in the sheriffdom of Edinburgh: To be held blench of the granter. Dated at Corsbie, 4th September 1556. Witnesses, George Haliburton residing in Dryburgh, Archibald Haliburton there, and others. Signed "Jhon Cranston." Seal appended, quarterly 1st and 4th three birds (cranes?), 2 and 3 a device resembling four fleur-de-lys arranged crosswise. Legend imperfect.

23. Latter Will of Robert Hume of the Heuch, beginning "Be it kend tyll all men be thir present lettres, me, Robert Howme of the Hewch, haiffing guid experiens daylye of the guid handilling of my haill leiffing and moweabill guidis be my derrest spous, Marione Hepburne, now presentlye and at all tymeis bypast, and als vnderstanding the guid newrissing intretting and vpbryngin of my derrest lauchfull sone, Robert Howme, my apperand ayr of the Hewch, and gottin vpone hyr, quhome God increse, and the rest of my barnis infantis and pupillis, and sielyk the gret luff that schow beiris and dayly hes borne sen the contracting of our mariage towart the rest of my brethering, sisteris and vtheris speciall my grett fryndis: And in consideratione of thir respectis and to gyf hyr the bettir occasione and grettar persuasione to continew in luff and fauoreis towartis me and myn in tyme cuming in the samyn; and weyeand the gret troubulis and apperand daylye cummeris to appeyr and ryse mayr and mayr, and in caise I deceise (as God sall pleis) in this present yeir of gret troubill and scharpnes; in that caise alanerlye, now as than and than as now hes maid, constitut and ordanit, lykas be the tennour heyrof solempnatlye makis constitutis and ordanis my said derrest spous, Marione Hepburne foirsaid, and my said lauchfull sone, Robert Howme my apperand ayr of the Hewch, my only executouris," giving them full power over all his effects, advising the son to take advice from his mother as to choosing curators, and giving all guidance of his children to his wife only. Dated at the Hewch, 26 May 1568. William Hepburne, son to John Hepburne in the Nungate (North Berwick), and others, witnesses. Signed, "Robert Hwme of the Hewche with my hande."

2. Papers relating to the Nunnery of Northberwick, 1523—1547.

24. Lease granted by "Alison Home, be the permission of God priorase of the Abbay of the Nunre of Northberwik," in favour of Alexander Hume of Polwarth, and Patrick Hume his son and apparent heir, of the parsonage of the church of Logie in the diocese of Dunblane; to be held with the teindsheaves, for the space of nineteen years from Candlemas, at a yearly rent of ninety merks Scots, payable at Candlemas and Lammas. Dated at Northberwick, 26 September 1523.

25. Papal Confirmation of grant of teinds of Logie to Alexander and Patrick Hume. 1525.

Laurentius miseratione diuina Episcopus Prenestini, discretis viris Abbati Monasterii de Calco et preposito ecclesie collegiate de Dunglas Sanctiandree, salutem in Domino. Ex parte Alexandri Hwm de Polwart et Patricii Hwm, eius filii et heredis, laicorum Sancti Andree diocesis, nobis oblata petitio continebat, quod priorissa et moniales monasterii monialium de Nortberwyk, Cisterciensis ordinis dicte diocesis, vtilitate dicti earum monasterii consulere cupientes, et ad infrascripta peragenda, in earum capitulo vt moris est capitulariter congregate omnes et singulos fructus, decimas garbales, redditus et alia emolumenta rectorie parrochialis ecclesie de Logy, Dumblanensis diocesis, ad eas et dictum monasterium suum legitime spectantia et pertinentia, que dudum vt ex illarum rentali seu libris introituum dicti monasterii apparere dicitur, pro quinquaginta marcis monete vsualis regni Scotie locari seu arrendari consueuerant prefatis Alexandro et Patricio eorumque assignatis, vni vel pluribus, ad decem et nouem annos post festum purificationis beate Marie virginis

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ex tunc proxime futurum immediate sequentem et venientem, pro annua firma seu responsione aut censu nonaginta marcarum similium sexdecim libras sterlingorum vel circa constituentium eis et p[illegible] tempore existentibus Priorisse et monialibus dicti monasterii in dicto purificationis pro vna et in Sancti Petri ad vincula pro alia medietatibus festiuitatibus, equalibus portionibus; necnon semel in anno viginti quatuor parium cirothecarum bonarum et sufficientium persoluendo; cum omnibus juribus, libertatibus, asiamentis, proficuis et justis pertinentiis locauerunt et concesserunt, prout in quodam publico instrumento desuper confecto plenius continetur. Et licet, sicut eadem subiungebat petitio locatio et concessio seu arrendatio huiusmodi in euidentem dicti monasterii vtilitatem cesserint et cedant, nichilominus exponentes prefate pro illarum firmitate maiori cuperent illis apostolice confirmationis robur impendi. Quare supplicari fecerunt humiliter eis super hiis per sedem apostolicam de oportuno remedio misericorditer prouideri: Nos igitur auctoritate domini pape, cuius penitentiarie curam gerimus, et de eius speciali mandato super hoc vive vocis oraculo nobis facto, discretioni vestre coniunctim committimus, quatenus si vocatis vocandis et inquisita per vos super premissis diligentius veritate locationem et concessionem seu arrendationem hŭiŭsmodi in evidentem dicti monasterii vtilitatem cedere et cessisse reppereritur, super quibus vestram conscientiam oneramus, illas ac prout [torn] omnia et singula in dicto instrumento locationis contenta apostolica auctoritate confirmetis et approbetis, omnesque et singulas tam juris quam facti defectus si qui in premissis interuenerint suppleatis, non obstantibus felicis recordationis domini Pauli pape ij ac aliis constitutionibus et ordinationibus apostolicis necnon monasterii et ordinis predictorum statutis et consuetudinibus etiam juramento confirmatione apostolica vel quavis firmitate alia roboratis ceterisque contrariis quibuscunque. Datum Rome, apud Sanctum Petrum, sub sigillo officii penitentiarie, iij Idus Septembris pontificatus domini Clementis pape vij anno secundo. [11 September 1525.]

26. Lease, as before, of the parsonage and teinds of Logie by Isobel Hume, prioress of Northberwick, in favour of Patrick Hume of Polwarth and Patrick Hume his son. 11th January 1541–2.

27. Another lease by the same prioress granting to her kinsman, Alexander Hume, his heirs and assignees, the teindsheaves of Gylston, in the parish of Largo and sheriffdom of Fife, for nineteen years. Dated at Northberwick, 27th July 1542. [The sum of the rent is illegible.]

28. Notarial Instrument relative to the abstraction of the common seal of the convent of Northberwick. 1548.

In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnationis Dominice milesimo quingentesimo quadragesimo octauo, die vero mensis Januarij nono, indictione septima, pontificatusque sanctissimi in Christo patris ac domini nostri domini Pauli diuina prouidencia pape tercii anno decimo quinto; In mei notarii publici et testium subscriptorum presenciis personaliter et capitulariter congregate religiose mulieres, Domina Isobella Howme et Elezabeth Puntone, Mariota Balye, Mariota Howme sub-priorissa, Elena Derlyng, Elena Schaw, Margreta Synclair, Agnes Ramsay, Alisona Puntone, Joneta Creychtone, Katrina Leuenton, Agnes Gledstans, Margreta Crawfurd, Joneta Towris, Mariota Howme, Margreta Donaldsone, Isobella Rantone, Margreta Vod, conuentus

monasterii de Northtberwyk lamentabiliter allegantes quod nonnulle persone clam furtive et fraudulenter abstulerunt vnam cistam continentem infra se eorum sigillum commune dicti monasterii et capituli, cum nonnullis scriptis et acquitanciis, in magnum dampnum et preiudicium dicto monasterio et conuentui ; protestantes igitur omnes vnanimiter quod si casu alique litere, assedationes aut queuis scripte cum predicto sigillo sigillate fuerint aut roborate affixione aut appensione cum datis aut antedatis tempore ablationis sigilli, absque certa verificatione et justa ratificatione dictarum monialium ; dicte assedationes, litere si que fuerint, aut alique altre litere forme alicuius dicte moniales determinant quod nullius vigoris et effectus efficiant tenore cause suprascripte, cum ceteris et singulis punctis et articulis de jure necessario petentes. Supra quibus omnibus et singulis dicte moniales a me notario publico coniunctim et diuisim petierunt vuum seu plura publicum seu publicai nstrumentum seu instrumenta. Acta erant hec in capitulo monasterii de Northtberwyk, hora vndecima ante meridiem, sub anno, die, mense, pontificatu, indictione quibus supra, presentibus ibidem honestis et circumspectis viris, Patricio Howme de Poluart, Patricio Howme, eius filio et apparente herede, Magistro Patricio Howme de Quhitburne, Thoma Newtone, Dominis Cudberto Hynd, Alexandro Patersone, Villelmo Fowler, cappellanis, Thoma Yowng, Thoma, Planamouris, cum diuersis aliis rogatis et requisitis. [Notary's docquet in usual form. Robert Lauder, notary.]

29. Tack or Lease by Margaret Hume, Prioress of Northberwick, in favour of Alexander Hume and his assignees, of the mains of Northberwick and the Heuch extending to thirty-six husband lands, and also the teindsheaves of the mains of Tantallon, Glegirno, Reidside, East Craig and Belgone, in the sheriffdom of Edinburgh and constabulary of Haddington ; also the teind fishing of the haven of Northberwick, with the links and greens of the lands abovenamed, for the space of five years from this date, the mains of Northberwick, &c. at a yearly rent of 80*l*. Scots, and the teindsheaves, &c. at a yearly rent of 240 merks. Further the granter sells and dispones to Alexander Hume "thir gudis vndir specifiit, being vpoun the landis abouewrittin pertenyng to ws as oure avne propir gudis, that is to say, thre skoir foure oxin, twenty-six ky, tuelf skoir of yowis, ten skoir yeild scheip, foure horse, tuenty yeild nolt, sevin chalderis of quheit, sex chalderis beir, fourtene chalderis of aitis, foure skoir bollis peis and twa chalderis of benys, and that for certane sovmes of money payit and debursit be the said Alexander to oure behuif and profit for the taxationis of oure said abbay and sustenyng of the conuent therof and vphalding of the place of the samin, extending to the soume of ane thousand poundis," the goods named being valued at that sum. Dated at Northberwick, 22 May 1547. [There are several other writs and papers relating to Northberwick Abbey and the lands of the Heuch, but none of them are of special historical interest.]

3. Miscellaneous Writs of the Homes of Polwarth, &c., 1427—1700.

30. Obligation, the Abbot of Holyrood and James Douglas of Balvany as to rent of Ogilface payable to Torphichen. 1427.

Thir endenturis made in the Abbay of the Halycorse of Edinburgh, the sextend day of the moneth of September in the yere of God I thousand four hundreth twenty and sewyn yeris, betwix a reuerend

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fadir, Patrik throw the grace of God Abbot of Halyrud house and the conuent of that ilk, on the ta part, and a nobill man James of Douglas lord of Balwany on the tother part contenys and berris witnes, that the sayd partis ar acordit in forme and maner as folowis, that is to say, that the sayd Abbot and conuent and James sal pay the mark of annuale auch to the house of Torpheichin out of the baronry of Ogilface ewynly betwix thaim; and qwhat at may be recouerit of the tenandis of the sayd baronry to the payment of the sayd mark sal be do partit ewynli betwix thaim, al fraud and gile away put. In witnes of the qwylk thing the commoun sele of the chapeter of the said Abbay to the part of thir endenturis remaynand wyth the said James is hungyn, and to the part remaynand wyth the sayd abbot and conuent the sayd James has gert hynge the sele of hys armys, day, yere and place befor wrytin. [Seals gone.]

31. Precept by Robert, Abbot of the monastery of Kelso, for infefting William Redpath of Grenlau, in terms of a charter, in the possession of another half of the lands of Derington, that half which Alexander Hume resigned. Dated at Kelso, 6th November 1478. Witnesses, George Gledstanes, William Gledstanes and John of Lermonth. Abbot's seal attached in good preservation.

32. Certificate of sasine by one of the bailies of Northberwick of lands there. 1490.

Be it kend till all men be thir present letres, me, Jhon Richartson, ane of the balyheis of the burght of Northberwic, gretyng in God evirlestand. Forthi it is medfull and meritabill to bere witnes to the suthtfastnes and namli in caus or caussis, quharthrow hiding preiudice gref or stratht may gener hurt to the innocent, fra thin we mak it knawn to yhowr vniuersite be thir present wryt, faithtfulli berris witnes the xx^{ti} day of the monetht of Octobris, that is for to say, at the makyn of this present wryt yhed personali at the instans of Isabell of Wederle wyth consent and assent of Annes of Wederle, my sister and apperand ayr to be, to thar tenement of land liand wythin the said burght on the north syd, betwix a tenement of land of Robert of Lawder, on the est syd on the ta part, and a land of Jhon of Well, on the west syd one the tother part, and resignit the said tenement of land in the said Jhon Richartson hand wyth erd and stane, has vse is in burght, fra the said Isabell and Annes, fra ther ayris, executuris, and thar assignies, and gaf heritabill stat and possession to Jamis Kynge till his ayrris executuris for ewyr mar, alseweyll in lencht has in bred, alseweyll in the four frownt excep all mennis all frawd and gyll away, to all quham it afferis or may affer faithtfulli we mak this knawn be this present wryt. In wytnes of the qwhilk thyng, I, the said Jhon Richartson haf hung to my sell the xx^{ti} day of the said monetht, the yher of God mccccIxxx and x yheris, befor thir wytnes, Dauid Fressell, Thomas Fowrros, Symon Carik, Thomas Collen, Robert Norre, Jhon Richartson, Robert Richartson, Jhon of Benston, wrytar to the curt, and Willyhem Mor and Jhon Jhonson, seriandis that tym, wyth other money askyt and present.

33. Commission by the Commissary General of St. Andrews to certain notaries. 1506.

Commissarius Generalis jurisdictionis Archidiaconatus Sanctiandreæ, discretis viris Magistris Roberto Wode et Roberto Myll, notariis publicis, nostris in hac parte commissariis, ad infrascripta coniunctim et diuisim specialiter constitutis, salutem. De vestris discretione legalitate et scientia plenam in Domino fiduciam habentes, vobis ex speciali intuitu

et fauore honorabilis viri Magistri Richardi Schoriswode, firmarii prefati archidiaconatus, omnes et singulas personas vtriusque sexus nostre seu alterius jurisdictionis, modo sese nostre jurisdictioni in hoc casu submittant, que fatentur sese in aliquibus pecuniarum victualium summis dicto magistro Richardo astrictas et obligatas teneri, earum seu alterius earundem consensu vel confessione precedente, in terminis competentibus prout inter partes ipsas conuentum et appunctuatum fuerit authoritate nostra monendi et actitandi, actaque et monitiones desuper sub pena excommunicationis conscribendi; notatis tamen premitus die anno et mense coram fidedignis testibus, dehinc registrum competens in debita actorum forma conficiendi et nobis ad perpetuam rei memoriam conseruandam transmittendi, nostram vigore presentium plenariam committimus potestatem et facultatem impertimur specialem; presentibus tamen post annum vnum a die date presentium computandum minime valituris. Datum sub sigillo officii nostri apud Sanctum Andream, die tertio mensis Septembris, anno Domini i^m v^c et sexto. [Seal impressed—a small oval, bearing the legend, "Georgeus Archidiaconvs Sancti Andr . ." In the upper part of the seal is a saltire between the letters, G. D., the initials of Gavin Dunbar who was then Archdeacon.

34. Charter by George Quareour, son of the late John Quareour, granting and alienating to Alexander Gordon a whole land belonging to the late John Quareour in the burgh of the Canons of the monastery of Holyrood near Edinburgh, the King's highway, or the "strand" on the north and the royal place on the south, and otherwise bounded as described; To be held in fee and heritage from the granter, of the Abbot and Convent of Holyrood, for the burghal rent, diets in autumn and service of courts due and wont. Dated at the said burgh of Canongate, 23rd July 1520.

35. Discharge by Patrick Hepburn of Waughton, knight, acknowledging him to have received from his mother, "Mergret Lauder lady of Wauchtone, and Alexander Howme of Polwert, hyr husband," the sum of 100 merks in part payment of a sum of 400 merks for which they are bound in the books of the official of Lothian. Dated at Wauchton, 6th July 1524.

36. Notarial Instrument narrating that in presence of the notary subscribing and witnesses, William Armstrong constituted Ralph Ker his assignee and subtenant in and to his carucate of lands of Clarilau, according to his letter of lease under the seal of Thomas [Ker], Abbot of the monastery of Kelso, the Abbot being present and consenting. Done in the Monastery of Kelso, Sir Andrew Turnbull, Patrick Scott, Alexander Greyrson, Robert Gledstanes, and William Henderson, witnesses. Thomas Waiche, notary.

37. Confirmed Testament and Inventory of the the goods of Alexander Hume of Redbraes, beginning "Inuentarium omnium bonorum quondam Alexandri Hume de Redebrays sibi pertinentium dum vixerat, infra dioceses Sanctiandree et Dunkeldensem, vigesimo octauo die mensis Nouembris anno Domini millesimo quingentesimo trigesimo secundo, factum apud burgum de Edinburgh, coram hiis testibus, Adam Hepburn, Roberto Yemow, Alexandro Libertoun, Alexandro Hepburne, Roberto Anthone, Johanne Carmure et fratre Johanne Towris ordinis Predicatorum cum diuersis aliis. [The amount of goods belonging to the

deceased within the diocese of St. Andrews was valued at £878 17/ Scots. The property consisted of grain, including wheat, barley and oats, and pease, with ploughing oxen, cows, bullocks, and sheep (no horses) on the lands of Redbraes, Kimmerghame, Trottanshaw, Northberwick, Byrecleuch and Channaybank. The price of a boll of wheat was 13/4, a boll of barley 10/ and of oats 6/. The boll of pease was 12/. A ploughing ox was valued at 40/. Each cow and bull 26/8. Younger cows 20/ or 16/. A bullock was 10/, a ram 5/, a sheep 5/ or 3/ according to age. The property in the diocese of Dunkeld, on the ground of Luffness (which was in the barony of Aberlady, belonging to the bishops of Dunkeld), was valued much at the same rate, but the total is not given, nor is the amount of free gear after deducting the debts stated, so that the actual amount of property cannot be exactly computed.] The debts due to the deceased are stated to be the teinds of the parish church of Logie, leased by him to his brother George Hume, but their yearly value is not given. The debts due by the deceased were "In primis Ade Hepburne pro dote filie dicti Alexandri videlicet Isobelle Hume, iiij^{c} merkis; item Roberto Hoppringill de resta dotis Katherine Hume filie sue, jj^{c} merkis ad bonum compitum; item episcopo Dunkeldensi pro decimis terrarum de Luffnes, quadraginta bollas ordei, quadraginta bollas auenarum, decem bollas frumenti; item Roberto Yemow, xiiij*li.*; item Alexandro Hepburne in Haddingtoun, xiij*li.*; item Johanni Wilson ibidem, x*li.*; Item Johanni Lauder, xx/; item Thome Craig, xij*s.*; item Johanni Sydserf, xij*s.*; item Alexandro Libertoun, sexdecim bollas auenarum; item Johanni Cuthbertson, quatuor decem bollas auenarum; item Jacobo Brand, quatuor decem bollas auenarum; item Johanni Mare, quatuor decem bollas auenarum; item Dauid Alexander, sexdecim bollas auenarum; item Cristine Libertoun, xj*s.* viij*d.*; item Georgeo Johneson carnifici, xl*s.*; item relicte quondam Johannis Lethame, x*li.*; item pro firmo domus sui habitationis infra burgum de Edinburgh, x*li.*; item Willelmo Pacok, eciam pro firmo domus, xj*li.*; item Johanni Machane, viij*li.*; item Alexandro Machane, xij*s.*; item Johanni Matheson in Brochtoun, viij*li.*; item Margarete Hume, sorori sue, iiij*li.* ij*s.*; item pro mensa et cotagio Georgii Hume, filii sui, x*li.*; item vxori Willelmi Lauder, xv*s.* vi*d.*; item Alano Mosman, et vxori sue, xiiij*li.*; item feodis seruitorum suorum, xx*li.*; item Roberto Dennome vj*li.* v*s.*; item Thome Hume cultellario, x*s.*; item pro feodis laborantium in lucratione granorum suorum anni instantis, xxx*li.*; item Georgii Wynchester ciui ciuitatis Sanctiandree, v*li.* xvj*s.*"

The testament is as follows.

Cum nichil sit certius morte nec incertius hora mortis, hinc est quod ego dictus Alexander Hume de Reidbrays, eger corpore, sanus tamen mente condo testamentum meum in hunc modum. In primis do et lego animam meam Deo omnipotenti, gloriose Virgine Marie ac omnibus sanctis, corpusque meum sepeliendum in ecclesia collegiata de Dunglas; item fabrice ecclesie metropolitane Sancti Andree, iiij*d.*; item pro cera, sudario ac aliis necessariis ac feodis presbiturorum in die mee sepulture et translatione corporis mei de opido Edinburgh versus dictam ecclesiam collegiatam de Dunglas, xxiiij*li.*; item vni capellano ad celebrandum missam quotidianam pro anima mea ad spacium vnius anni, x*li.*; item pauperibus secundum discretionem meorum executorum distribuendas, x*li.*; item fratribus minoribus xl*s.*; item fratribus ordinis Predicantium, xl*s.*; item curato de Edinburgh, x*s.*; item facio et constituo meos executores, videlicet, Mergaretam Lawder sponsam meam et Alexandrum Hume filium meum, necnon circumspectum virum Alexandrum Hume tutorem de Wedderburne eis superiorem, vt ipsi disponent pro salute

anime mee prout coram summo judice desuper respondere voluerunt in die judicii. (*Signèd*) Ita est Dauid Young, curatus de Edinburght.

Indorsed is the confirmation given in name of James (Beaton), Archbishop of St. Andrews, in usual form. Dated at Edinburgh, 15th March 1532–3. Only fragments remain of the seal of office which has been impressed.

38. Deliverance by Sir Walter Ker of Cessfurd, knight, bailie principal of the regality of Kelso, as oversman, and other arbiters, in a question between Mr. George Ker of Nether Howden and Robert Ker in Newhall, as to "the mercheis betwix the landis of Cawers pertenyng to Mr. George Ker and the Newhall pertening to Robert Ker at the partes betwixt the Ernlaw hauch and Mid hawch of the Cawers and the Ernlaw know and the part of Mwry rig pertening Newhall." The arbiters decided that an exchange should be made of two pieces of land, "that is to say, the Ernlaw hawch of the Cawers pertening to Mr. George Ker, lyand on the eist side of the place of Newhall, as it is mercheit be the arbitouris and owrman, sall be browkit wsit and possedit fra thinefwrth be Robyn Ker and appropriat to his steid of Newhall as ane part therof; for the quhilk the sex riggis lyand on the west side of the Mwry rig of the landis of Newhall pertening to Robert Ker, that is to say, the sex riggis lyand betuix the carne of Mwry rig on the west side and the small bawik on the eist side, merchit be the arbitouris and owrman, sall be browikkit wssit and possedit fra thinefwrth be Mr. George Ker and appropriat to his steid and lands of Cawers as ane part and pertinance therof." Dated at Halydean, 2nd March 1557–8, and signed "Walter off Cesfurd." Witnesses, Mark Ker in Kippitlaw, Thomas Ker his son, and others.

39. Confirmed Testament and Inventory of goods of the late John Cranstoun of Corsbie, made at Corsbie, 3rd March 1507 (*sic*, but read 1557–8). The goods consist of ploughing oxen, valued at 4 merks each, cows at 40/ each, bullocks at 20/ each, sheep at 7/ each, oats at 10/ and barley at 14/ the boll, the whole amount, with the debts due to the deceased, being valued at £334 18*s*. 8*d*. The terms of the testament are very similar to that quoted in No. 37 supra. The testator leaves his soul to God and the Virgin, and his body to be buried in his aisle of the parish church of Legerwood (Berwickshire). He gives 20 merks to a priest to pray for his soul in the said aisle, to the poor two bolls of meal, and the rest of his goods he bequeaths to his two daughters equally between them, appointing as executors Elizabeth Swinton his wife and Stephen Cranstoun his son. Confirmation given by John (Hamilton), Archbishop of St. Andrews, at Edinburgh, 18th November 1558. Seal affixed.

40. Lease by Mary, Queen Dowager and Regent of Scotland, with consent of Mr. Robert Richartson, "yconimus" of the Abbey of Melrose, granting and letting to Sir Hugh Campbell of Loudon, knight, sheriff of Ayr, his heirs &c., the fruits of the kirk of Mauchline, parsonage and vicarage, and the teind sheaves of the eight score merk land of Kylesmure and Barmure with the small offerings; also the annual rents in the burghs of Ayr and Glasgow, with the rents of the Walsched and Monkhill, the place of Mauchline, the mills of Kylesmure, namely, Katherine mill, Dalsangane mill, Mylnburn mill, and the corn mill and Walk mill of Hauch, also the steadings of Over and Nether Walwood, Blairkip and Blairmalloch, and the use of the rents &c. within the eight score merk land named belonging to the

Abbey of Melrose, at present in the Queen's hand, and to endure while the Abbey is in the hands of the Crown or the "yconimus," and until an abbot or commendator is appointed, with power to grant leases for five years, and other privileges, to be held for a yearly rental of one thousand merks payable quarterly. The Regent binds herself to procure for Sir Hew a nineteen years' lease from the new Abbot, at the same rental. Edinburgh, ——— 1559. Signed, "Marie R."

41. Discharge by Dame Jean Hay, daughter and heir of the deceased William (sixth) Earl of Erroll, who had received a grant from the late King James the Fifth of the ward of the lands and annual rents of the late Patrick Hay of Urye, with the marriage of his son and heir the deceased Alexander Hay, and of any other heir of Patrick; wherefore the granter having right, as heir to her father, to the marriage of William Hay (of Urie), also son and heir of Patrick, with consent of her husband Andrew, Master of Erroll, discharges the said William Hay of Urye of all her claims against him or his heirs. Dated at Gask, 28 March 1564. Signed, "Andro, Maister off Erroll," "Jene, Maistras of Erroll."

42. Receipt and Discharge by John Cockburn, one of the sheriff deputes of the sheriffdom of Berwick, in favour of Patrick Hume of Polwarth for the sum of 5*l*., in payment of castle wards, in name of the king and queen. Dated at Langton, 2 October 1565.

43. Precept directed by King James the Sixth to Patrick Home, younger, of Polwart, his servitor and bailie of the regality of Bonkill, requiring him to pay to John Achesoun, the King's ordinary huntsman, the sum of 100*l*., or so much of it as he can presently get from the tenants of the barony of Bonkill out of their Whitsunday rents, and the sums owing by the tenants of the Mains of Bonkill and the Laird of Slechis houses. Holyroodhouse, 15 June 1593. Signed, "James R̃."

44. Precept by Andrew Ker of Faudonside, lord of the third part of the lordship of Dirleton, Haliburton and Hassington, and undoubted superior of the lands underwritten, directed to Alexander Brounfield, elder, in Hardaikers for infefting Nicolas Bruntfield now of Hardaikers as nearest and lawful heir of his father the late Adam Bruntfield of Hardaikers, in the lands called the East Mains of Hassington *alias* Hardaikers, with tower &c. in the earldom of March and sheriffdom of Berwick. Dated at Edinburgh, 10th April 1597. Signed, "Andrew Ker of Fawdonsyd."

45. Agreement between Mr. Andrew Melville, Provost, Messrs. John Johnston and Patrick Mylne, principal masters of the New College of Saint Andrews for themselves and on behalf of the bursars and "remanent founḋit persones" in the said college, on the one part, and Ninian McMorrane, burgess of Edinburgh, on the other part, to the effect that Ninian shall pay to the said Provost and masters the sum of 250 merks within eight days from the date, as "gersume" for which they shall give him a nineteen years lease of the eighth part of the lands of Kingsbarns "quhilk pertenit to vmquhile Johne McMorrane, his brother, and als of all and haill that vther awcht part of the saidis landis now pertening to the said Niniane selff." Entry to be at Lammas next and the same rent to be paid as in the former lease. At St. Andrew's, 21 April 1599. Signed, "An. Melvile, according to the generall, spoken be the foresaid," "M. J. Johnston," "Patrik Malvile" (designed Patrick Mylne in the text) and "Niniane Makmoran."

46. Order by Anna of Denmark, queen of King James the Sixth, for payment of wages to one of her servants, 1602. "Regina.—Master of our houshald, we greit you wele: It is our will and we command you that vpoun the sicht heirof ye caus our seruitour, Thomas Barelay, our brodinstar, be ansuerit of his ordinar allowance and leveray as efferis within our hous, that is to say, off twa peices of meitt, four bread, ane quart aill, halff ane pund of candill dalie in tyme cuming, and twa laidis of coillis oulklie, as ye will ansuer to ws thairvpoun; quhairanent thir presentis salbe your warrand. Subscryuit with our hand at Dumfermling, the vj of November 1602. Anna R."

47. The following writ is of little importance in itself, but is interesting because of the names of the persons referred to. It is entitled "Articles of submission betuix Robert Logane, sone and air of vmquhill Robert Logane of Restalrig, and ane nobill and potent Lord Alexander, erle of Home, &c., taking burding for him, and the remanent his brether and sisteris and thair tutoris and curatoris on that ane part, and Marion Ker relict of the said vmquhill Robert on the other part." The arbiters chosen were William Arnot, Jasper Home, William Lauder, and Robert Logane, bailie, or any three or two of them, for Robert Logan, and Sir John Arnot, treasurer depute, Gavin Home of Johnscleuch, Mr. William Hay of Barro, and Andrew Ker of Newbottle, for Marion Ker. The parties make submission and give powers to the arbiters in the usual form, the questions in dispute not being stated. "Subscryvit at Douglas the fyft day of August 1606, witness Schir Andro Ker, younger, of Farnyherst, Schir Patrik Home of Polwart, Mr. Thomas Ogiluy and John Home, notar, writar heirof." Signed, "Mareown Ker," "Æ. Home," "Robert Logane," "Andro Ker, vitnes." "S. P. Home, uitnes." "Mr. Thomas Ogiluy, witness."

48. Receipt by Sir John Skene of Curriehill, as follows:—"I, Schir John Skene of Currihill, knicht, grantis me to haif ressauit fra the handis of Schir Patrik Home of Polwart, knicht, the sowme of ten pundis money, and that for his pairt of the taxatioun grantit be the estaitis for the imprenting of the auld lawis, be thir presentis subscryuit with my hand at Edinburgh, the third day of Merche, the yeir of God ane thowsand sex hundreth and nyne yeiris. Sr Johne Skene, wt my hand."

49. Certificate by (Malcolm Hamilton), Archbishop of Cashel, in favour of George Hume of Drumkose.

At Cassiltoun the the yeir off God 1623. It is showen to the most Reverend Father in God, Malcolme, by the providence off the Almichtie Lord Archbishop off Caschell, primatt and metropolitane of Irelaund, his Grace, Schir Johnn Dumbar, knicht, with divers other gentlemen off worth and quality in the countey off Fermanagh, barronie of Machribuie and realme of Irelaund, thatt it is the will and ordinance off the ryght honorabill lords off the counsell off Scotlaund that George Hume of Drumkose, esquier, vncle to the Laird off Polluart, should schew wnto thair lordschipps ane sufficient testificatt off such dewties as the said George Hume has performed in planting of his launds in Irelaund according to the King his ordinance off ane thowsaund accers off laund, and thatt for the cleiring off ane actioun whiche the said George Hume had depending before the said lords off the counsell off Scottlaund, into the whiche matter the foirsaid most Reverend Father in God, Malcolme, Lord Archbischoppe off Caschell, Schir Johnne Dumbarr, knight, with divers wthers sufficient gentlemen off the countey of Fermanagh and

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barrony off Machribuie in the realme of Irelaund, by thir presentes will declair the verie treuth, whiche we doe perfytlie and clearly vnderstaund, as follows:—First we know thatt the foirsaid George Hume, esquier, hes planted all his thousand acceres off laund with trew honest Scottish men off full number, thatt he hes buildit his baund and hous and hes so manie freeholders, leaseholders, and koppeholders as the king his Majesties will wes should be vpon such ane proportioune and moe then he is bund to have; and thatt he hes no Irische vpoune anie pairt or parcell off his laund nether ever did sett them one accer from the beginning off the plantatioune, and hes not onlie bestowed laund vpoun his owne tenantes thatt are wnder him, bott hes geven to every one off thame abundantlie off his owne geir bothe off kowis and horsses, and such other thingis as they stood in need off free gratis oft his owne liberall mynd and gude will whiche he had to there standing. So thatt in althings he hes done according to the king his ordinaunce in all poynts bothe honestlie and nobillie to his great commendatioune; as also he hes payed the kings rentt verie dewly everie half yeare since the first beginning of the plantatioune, and is nott awaund one penie thereoff as his dischairges will schew, so thatt there are many men in Irelaund thatt hes fyve thousaund accers off laund that hes nott bestowed so liberallie vpoun there tenants as he hes done, so that, by his liberalitie to thame they ar all in gud estaite. So thatt this gentleman hes been the helper off many poore ones, and his delight is alwayes, in men and horsses, to serve the king to the gud example off others where he dwells; so thatt iff we should say any wtherwayes, we should speak against the trewth and against conscience, seing al the whole countey where he is doeth so clearly know this whiche we have spoken, thatt doeth know this gentleman, and those presents we have subscryved with our haunds, day, yeir, and place foirsaid. Mal. Caschelen, Jo Dunbar, William Cathcart of Bardarroche, Robert Weir of Tillymergy, Wil Hãmiltoñe, servitor to me lord Archbeshop of Cashell, James Arnott of Cartindoray, Jacobus Owen from Carik.

[There is also another certificate to the same effect by Sir John Dunbar, Robert Weir of Tullymargie and Gabriel Cunningham. They certify that George Hume "hath performed all such conditiones as was inioyned for ane undertaker to do for the plantatioue of ane thousand aikeres of land called the small proportione of Drumchose," that, "as men who heth beine into the said barronye and countye sence the first tyme of the plantatione," they declare that he has planted his lands "with honest true Britishe men . . . and heth not retained anye Irishe upon the saides landes, as it wes found bye ane jurye of the cuntreye in presence of his Maiestyes commisioneres derect for that effect, and that the said George Hoome heth beine verie oft resident in persone according to the articles of plantatione in all poyntes." Dated at Dunbar (in Ireland), 20th May 1624.]

50. Acknowledgment by Captain Thomas Hamilton (of Preston) that Sir William Dick of Braid, knight, delivered to him "conform to the committee of estates thair act and order for his lands off Northberik and Heuch, thrie troupers men and horss sufficiently armed, togidder with the soum off threttie twa pond twa s̄, monyis, which was for the first levi; and whairfore thir presents shall be his warrand. In name off the said committee off estates. Witness my hand at Prestoune, the tuelf day off Julij, anno 1645 yeirs. The names of the thrie trouperis ware James Ker, Robert Walker and George Thomesoune, all in my troup. T. Hãmiltone."

51. A petition addressed to the Commissioners appointed for administration of justice to the people in Scotland, by the gentlemen heritors of the shire of Berwick, to the effect, "That wheras Mr. George Home of Kimmergeame, one of our number, having been sent in to Edinburgh in Apryll 1644, with other five gentlemen from the committee of our shire, for arms to them out of the publict magazen, and the said other five gentlemen and he having given band to Thomas Hamilton, then depute to the generall of artillery, for the use of the publict in name of our shire for the prices of the said armes, they being received be the then Commissar of the shire and therafter att severall times distribut there," and that these gentlemen had been forced in 1650 to enter into a bond for the price of the arms as for borrowed money, in consequence of which, besides other troubles, George Hume had been imprisoned for six weeks in the Tolbooth of Edinburgh at the instance of Alexander Smith, holder of the bond, the petitioners beg the Commissioners to interpose their authority to enforce payment of the expense of the arms in the shire and so to relieve Hume. Signed by William Cokburne and fifteen other gentlemen. Indorsed, "20th Januarij 1654."

52. Commission by John Earl of Loudoun to Sir Hugh Campbell of Cesnock and others, to deal on his behalf with General Monck. "I, John Earle of Loudoun, doe by thes presents give full power and commission to Sir Hugh Campbell of Cesnok, Sir James Campbell of Lawers, and the Laird of Gathgirth, joyntly and severally for me and on my behalf, to treat, agree, and conclud with the Right Honourable Generall Monck, Commander in Cheif of the forces in Scotland, for setling and making of my peace and what security shall be given for my peacable deportment; lykas I doe obliedge me to hold firme and stable the agreement shall be made by my commissioners aforsaid on my behalf. In testimony whereof I have subscryved thes presents, at Carrick, the 26th day of February 1655, befor thes witneses, James Campbell of Clachick and John Karr, my servant." Signed by "Loudoun" and the witnesses.

53. Certificate in favour of John Gilmour, as follows: "These are testifying that John Gillmour in Polwaith hes enacted himselfe not to carry armes against his Majestie or his authoritie conform to his Majestie's proclamation daitted the 29th of Jully. Given vnder our hand att Findlastoune, the first of October, i^m^vj^c seventie nine yeares." Signed, "Glencairne."

54. Warrant by the Parliament for summoning witnesses in support of a petition presented by Margaret Countess of Loudoun on behalf of her husband, James Earl of Loudoun, who was accused of treason. Edinburgh, 8th May 1685.

55. Obligation as to cattle taken for the army, 1696. "I, Shir Roger Hog of Harcars, binds and oblidges me to make furthcomeing to my Lord Polwart two geldings, on of them black with a whyt spott in his forhead and on of them of lesser seiz with a snip down the face and som whyt feett, and that whensoever his Lordship shall call for them, and that vnder what penalties the law hes injoyned, which horses wer taken some days agoe frome me by Liv^t Scot by order of Shir Thomas Livingstoun. In witness wherof I have written and subscrivit thir presents with my hand at Harcars, the tuentie of March, 1^m^vj^c and nyntie sex years." Signed, "Roger Hog."

56. Extract Act of the Privy Council of Scotland, narrating the terms of a petition to them by "Isabella Countes of Morstein, marryed

to Casimeir Prince of Czartouriskie, Duke of Clevan, of the family of Jagletoune in Polland, sheuing that Andrew Earle of Morstein, great thesaurer of Polland, the petitioner's father, was marryed to Lady Catharine Gordon, daughter to George Marques of Huntley, and of his wyfe Lady Anna Campbell, sister-germane to the Marques of Argyll; and wheras one of the petitioneris sones and she are to obtaine a birth breive as to their descent in Polland, but the petitioneris motheris genalogie being only propper to be obtained under the great seall of Scotland which is easily found of these tuo noble families of Huntley and Argyll;" the Lords of Council direct the Chancellor, &c., to prepare a birth brieve in favour of Lady Catharine Gordon, in terms of a former birth brieve of 21st August 1687, and recommend the great seal to be appended, and blazons of arms to be furnished by the heralds "to the end the nobility of the said Isabella Countes of Morstein may appear in forraign countreys wher she is placed." Edinburgh, 6th March 1700.

4. Papers relating to the Berwickshire families of Spens, Wolff, and Trotter, 1514–1600.

57. Charter by David Spens, rector of Flisk, and of the University of St. Andrews, granting to John Spens, student in the College of St. Andrews, his heirs and assignees, the lands of Mariston in the sheriffdom of Fife and constabulary of Crail; to be held of the King in fee and heritage for the services due and wont. Dated at St. Andrews, 20th June 1514. Thomas Spens, son and heir apparent of Thomas Spens of Condy, and others, witnesses. Signed, "Dauid Spens, rector de Flysk, and Stēandr̄, manu p̄pa."

58. Decree pronounced by James Earl of Morton, George Abbot of Holyrood, Robert Abbot of Paisley, Patrick Abbot of Cambuskenneth, Patrick, Lord Lindsay of Byres, Mr. Gavin Dunbar, Archdean of St. Andrew's, Clerk of Register, Mr. Robert Forman, Dean of Glasgow, Master Thomas Halkerston, Provost of Crichton, Master Patrick Coventry, Dean of Restalrig, Sir Patrick Crichton of Cranstoun Riddell, knight, and Mr. Adam Otterburn of Wester Hailes, Lords of Council, in the action at the instance of John Wolf of Waldely, Elizabeth Manderstoun, his mother, William Litster, George Grenlaw, Andrew Sanderson, John Young, and Thomas Scott, against Peter Spens of Hardens, James Spens and William Spens his brothers, for spoliation. The Lords decerned the defenders to restore and deliver again "to the said Johnne Wolf thir gudis vnderwritin, or the pricis therof, that is to say: In the first xxiiij oxin, price of the pece xl*s.*; five scoir of wedderis, price of the pece vij*s.*; ane quhite horse, price xl merkis; ane gray horse, price xx*li.*; thre vther horse, price of the pece, vj*li.*; twa saddillis, price of the pece, xx*s.*; foure speris, price xx*s.*; twa twa-handit axis, price xiii*s.* iiij*d.*; ane goun of rowane russate lynit with blak lambskynis, price x*li.*; ane blak govne, price vj*li.*: twa pair of hoise, price xxviij*s.*; ane doublate of worset, price l*s.*; ane doublat of fustiane, price x*s.*; the sovme of xiij*li.* of cunzeit money; ane coit of Franche camny, price iiij*li.*; ane cote of violet brown, price iiij merkis; ane meslyn basyn, price xiiij*s.*; ane gardrope, price iiij*s.*; thre brasin pottis, price iij*li.*; sex new sekkis, price xviij*s.*; four pair of schetis, price xl*s.*; twa coveringis of beddis, price xx*s.*; five siluir spvnis, price of the pece, xviij*s.*; foure pewdir platis, price xij*s.*; viij pewdir dischis, price xij*s.*; five brasyn chandlaris, price of the pece ourheid v*s.*; ane mart of salt beiff, price xx*s.*; thre stanis of butter, price xv*s.*; ten gallouns of aile, price xiij*s.* iiij*d.*; thre steile bonettis, with thre grene

cappis, price xxviij*s.*; thre pair of splentis, price xlij*s.*; thre serkis, price xxx*s.*; twa towellis, price iiij*s.*; twa burdclathis, price ix*s.*; twa pair of butis, price xj*s.*; twa pair of spurris, price ij*s.*; ane hatt, ane bonett, price xiiij*s.*; four new calfit ky, price of the pece, xxxij*s.*; xiiij yung nolt, price of the pece, xviij*s.*: and furth of Nether Waldaly four scoir yowis, price of the pece, vij*s.*; five scoir weddiris, price of the pece, vij*s.*; xxx gymmyr and dynmontis, price of the pece, iiij*s.*; five oxin, price of the pece, xl*s.*; five ky with thair calfis, price of the pece, xxxij*s.*; thre yung nolt, price of the pece, xviij*s.*; spulzeit and takin be thame fra the said Johnne Wolf, furth of Pincartoun and Waldalie: and in likwise fra Williame Litstar, furth of Ouir Waldaly, of twa oxin, price of the pece, xl*s.*; ane yung ox, price xx*s.*; xxviij yowis, price of the pece, vij*s.*; xiij wedderis, price of the pece, vij*s.*; xxiiij gymmeris and dynmontis, price of the pece, iiij*s.*" Letters were to be issued to compel restitution. Extract decree, signed "Gawinus Dunbar," and dated 24th January 1516–17. A note is added, that "The haill sovm abown writing optenyt befoir the lordis v^c^ merkis, ij merkis, and xl*d.* les."

59. Letters addressed by the official of St. Andrews, within the archdeaconry of Lothian, to the curates of the churches of Dunbar, Innerwick, Polwarth, or to any other chaplain, requiring them to cite lawfully certain persons named; to give testimony before the official in the church of St. Giles, Edinburgh, on 30th March instant, in an undecided action pending between Alexander Hume of Polwarth, pursuer, and John Wolff of Waldely, defender, and that under pain of excommunication; also requiring them to cite John Wolff to the same place and date. Dated at Edinburgh, 21st March 1524–25. Executions of citations added, dated 25th and 26th March, by Thomas Jhonson, curate of the parish of Innerwick, Alexander Ogyll, chaplain, and George Fourhouse, chaplain.

60. Sentence of divorce pronounced by William Wawane, licentiate in decreets, canon of Aberdeen, and official of St. Andrews, in the Archdeanry of Lothian, judge in a matrimonial cause pending between Alexander Hume, son and apparent heir of Patrick Hume of Polwarth, knight, pursuer, and Elizabeth Wardlaw, defender, decerning and declaring "alias de facto et non de jure inter dictos Alexander et Elizabet contractos ab inicio fuisse et esse nulla et invalida, ex et pro eo quod ante contractum dictorum sponsaliorum quidem Patricius Dunbar de Kynhunquhar (Kilconquhar) ipsam Elizabet carnaliter cognouit, quiquidem Alexander et Patricius inuicem attingunt in quarto et quarto gradibus consanguinitatis ex vna latere necnon in secundo et secundo gradibus consanguinitatis ex alia latere, propterea dictos Alexandrum et Elizabet abinuicem separandos fore et separamus, et quicquid alter alteri dederit causa dotis seu donacionis propter nuptias restituendum fore decernimus," &c. Extract, dated Edinburgh, 8th October 1526. Seal wanting.

61. Official copy of Retour of Inquest held in the court house of the burgh of Lauder, before George Pringill of St. John's chapel, sheriff depute of Berwick, by the following jurors, Richard Maitland of Lethington, Robert Lauder of that Ilk, Robert Edgar of Wedderlie, Cuthbert Cranstoun of Thirlstanemains, John Cranstoun of "Skettis-chebus," Thomas Cranstoun, Andrew Hume of Ninewells, George Wedderet, burgess of Lauder, William Nesbett in Paxtoun, Gilbert "Ailleme" of Reston, William Paxtoun of Auldincraw, John Wallace

in Chirnside, Robert Watson there, William Hume in Edingtoun, and Adam Craik in Winshiels, who being sworn, declared that Richard Spens was the nearest and lawful heir of his father, the late Richard Spens, in the lands of Hardens in the sheriffdom of Berwick; and that he was of lawful age by virtue of a decree of the late King James Fifth and his Council at Edinburgh, 19th October 1542, in favour of the heirs of those who were slain or wounded in the defence of the kingdom against the English, that they should have their ward, and other crown casualties free, dispensing also with their minority; that the lands were valued at 10 merks, and were in the hands of the Queen by the death of the late Richard Spens, who died on 10th November last by infirmity contracted in the army of the late King. Dated 10th July 1543.

62. Copy summons in the action at the instance of John Wolff of Waldelie, son and heir of the late Thomas Wolff of Waldelie, son and heir of the late John Wolff of Waldelie, and his curators, Alexander Cokburn of that Ilk and John Lyle of Stanipeth, against Patrick Hume of Polwarth, son and heir to the late Alexander Hume of Polwarth, Jasper Graden, son and heir of the late John Graden, son and heir of the late Alexander Graden in Langrig, and Bartilmo Spens, successor to the late Peter Spens of Hardens, requiring them to produce before the Lords of Council certain writs of the lands of Hardens in the lordship of Hardens and sheriffdom of Berwick, including grants to the deceased Alexander Hume and Jasper Graden about 1516, when the lands were occupied by the late Margaret Wood, widow of the late James Spens. Given under the signet at Edinburgh, 24th January [1558].

63. Extract decree pronounced by John Cockburn (of Langton), one of the sheriff deputes of the shire of Berwick, in an action of removing at the instance of John Wolff of Waldelie, owner of four husband lands of Hardens-under the-burn, in said shire, requiring Richard Spens, son and heir of the late Bartilmo Spens in Chirnside, Ellen Hume, his mother, and Alexander Spens his tutor and curator, to remove themselves from these lands. The defenders were cited but did not appear, and they were found guilty of violent occupation and ordered to remove. Done in the sheriff court of Berwick, held at Langton, 4th July 1560.

64. Notary's copy of a contract between Thomas Trotter in Netherhall of Sisterpeth, and Thomas Trotter, his son and apparent heir, on the one part, and John Trotter in Fogo, for himself and his daughter Nicholas Trotter, on the other part, to the effect that Thomas Trotter, younger, shall marry the said Nicolas within twenty days, and shall infeft her in his lands of Flourishwalls within 24 hours after he gets possession, with other provisions relating to Craks Croft, Sisterpeth mill, &c. The dowry given was 320 merks. Dated at Thirlstane (in Lauderdale), 20th November 1564.

65. Extract decree of the Lords of Council, regarding the term assigned by them to Mr. John Spens of Condie and Mr. Robert Crichton of Eliok, advocates, also to Richard Spens, son and heir of the late Bartilmo Spens of Chirnside-mains, who had received a gift from King James the Fifth of the non-entry and other duties of the lands of Hardens, in the King's hands by reduction of the process apprising the same from the late Peter Spens, father of the late Bartilmo; also to

Alexander Spens, tutor of Richard; against Beatrix Lyle, widow of the late Thomas Wolff of Waldelie, conjunct liar of the lands, and John Wolff their son and apparent heir, for proving the yearly value and rental of "all and haill four pund land and ane aucht part and ane half auchten part of ane half pund land of the said ten pund land of Hardanis," for forty years preceding 22nd December 1566. The lords liquidated the yearly rental of each pound land at six merks yearly for the forty years. Dated at Edinburgh, 21st March 1566–67.

66. Notarial Instrument narrating that Richard Spens of Hardens, with consent of Alexander Spens in Chirnside, his father's brother and his curator, on the one part, and Jasper Graden in the Crais and Elizabeth Brownfield, relict of the late Jasper Graden of Lanrigg, for themselves, and for John Graden, son and heir of the deceased Jasper, on the other part, all agree that the sum of 80 merks Scots, with the lease by the said Richard to the said John and Jasper for nineteen years of the lands of Cotrig in the parish of Greenlaw and shire of Berwick, shall be consigned in the hands of John Hume, brother-german to David Hume of Ninewells, for redemption of the lands of Cotrig from the Gradens. Dated at Langton, 19th February 1573–74. Witnesses, David Home of Ninewells, John Brownfield in Tenandrie, and Stephen Brownfield in Whiteside.

67. Copy of Narration by James Cockburn of Langton, knight, sheriff of Berwick, of proceedings relating to the apprising of the four pound lands, &c., described in No. 65 *supra*. *Inter alia*, he states that a jury was cited on 21st April 1573, for apprising the lands, whose names were Alexander Haitlie of Lamden, Thomas Ramsay of Wyliecleuch, James Cockburn, Chouslie, John Haitlie of Brownhills, William Craw in Swinton, James Craw in Swynwood, Robert Anderson in Kello, Alexander Home in Coldinghame, Thomas Gray in Haymont, Adam Brownfield of Hardaikers, Robert Huldie in Aytoun, John Cockburn in (illegible), Arthur Manderstoun in Duns, William Trotter in Ryislaw, and Simon Dalgleish in Ramrig. The jury postponed their decision. On 13th April 1575, the same jurors were cited and met, except Thomas Gray in Haymont, deceased, in whose place was chosen John Gray in Haymont, and William Trotter in Ryislaw, for whom was chosen George Haitlie in Hordlaw. The jury held that at the rate of six merks for each pound land, the value of the rents for the forty years of non-entry was 982 merks 6/8. The sheriff then offered the lands for that sum to John Wolf of Waldelie and Beatrix Lyle, and as they and others did not buy, he assigned the lands to Richard Spens. Dated Edinburgh, 8th July 1575.

68. Agreement between Thomas Trotter of the Netherhall of Sisterpeth on the one part, and James Trotter in Fogo, brother-german and heir of the late John Trotter, on the other part, for fulfilling a contract between Thomas Trotter, with consent of the late Marion Choiswood, his spouse, and the late John Trotter, as to the lands of Flourishwalls in the shire of Berwick. At Langtoun, 20th March 1596–97.

69. Copy letters under the signet of King James the Sixth requiring Patrick Hume of Polwarth, as principal, Sir George Hume of Spott, Alexander Hamilton of Innerwick, and Robert Swynton of that Ilk, his cautioners, to pay to Thomas Wolff of Waldelie the sum of 3,000 merks, as contained in a disposition by Wolff in favour of Patrick Hume and Julian Ker his wife in conjunct fee, of the lands of Hardens, dated 18th and 19th December 1598. Letters dated 11th June 1600.

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5. DISCHARGES and other WRITS by ABBOTS and COMMENDATORS and other ECCLESIASTICS shortly before and after the REFORMATION, 1524—1643.

70. Tack by Thomas Ker, Abbot of Kelso, of the teind sheaves of Merdeyne (Moordean), 10 November 1524.

Be it kend till all men be thir present letteris, ws, Thomas, Abbot of Kelso, to [have] set and lattyng, and be thir present letterres, settis and lattis to our broder, Rawf Ker, his wyff and barnis, all and haill our teyndschewyffis of the landis of the Ester Merdeyne, quhilk Dauid Ormistoun hes, for all the dayis of our lyff, and grantis ws content and paiit of the said teindis indurand the tyme of our lyff; for the quhilk he hes gyffyn tyll our dispocioun all the Brwmyis excepand Medilmestis landis. In witnis heroff we haf subscriuit this wytht our hand and wnder our sygnet at Kelso, the ten day of Nouember the yeire of God mv^{c}xxiiij yeris, befor thir witnes, Master George Ker, Prowest of Dunglas, Master Richart Richartsoun, Master Richart Ker, wytht other diuerse.—Thomas, Abbot off Kelsoo. [Fragment of seal defaced.]

71. Monition by George [Crichton], Bishop of Dunkeld, directed to the curate of the parochial church of Dow (Dull in Perthshire), directing him, in virtue of holy obedience and under pain of suspension *a divinis*, to warn and charge all the parishioners, husbandmen, and inhabitants of Dow, from whom teinds, fruits, &c., were wont to be uplifted, henceforth and in future to pay their teinds, fruits, rents, obventions, emoluments, and glebes pertaining to the vicarage of Dow to a religious father and lord, John Wynram, sub-prior of the priory of St. Andrews, as true and undoubted vicar of the said parish church of Dow, under pain of the major excommunication; and forbidding all persons, save the said John Wynram, his factors, or persons having commissions from him, to meddle with the said teinds; and, after the third and canonical monition, to denounce the disobeyers as excommunicated in the said parish church, whenever the greater multitude were assembled to hear divine worship, and not to cease till further commands should be given by the bishop. Given under seal of office at Edinburght, 25 June 1539. [Seal affixed, but almost entirely defaced.] A certification is added by Schir David Myllar, curate of Dow, that on the 9 July he warned the parishioners according to the tenor of the above precept. Witnesses, Thomas Stewart of Gartwle [Grandtully], Gregor Dugalsoun, and others. [After the Reformation, John Wynram, in whose favour the above monition is granted, became Superintendent of Fife, being one of the five Superintendents under whom Scotland was divided.]

72. Contemporary extract from the books of the Commissaries of Kelso by William Ormistoun, scribe, bearing that on the 11 July 1550, James Hoppryngyll (or Pringle) in Howdene, and Adam Palmar in Kelso, of their own proper confessions, were admonished, under the pain of excommunication, to pay to Mr. George Ker, in Cauers, and his heirs, the sum of £40 Scots for the teind sheaves of Howdene, in the parish of Maxwell, of the years foresaid at certain terms assigned, the last payment of £20 to be made at Martinmas 1551; they shall also give to the said George Ker, with favour and "kyndnes," the teind sheaves of the "steding" of Howdene; and Hoppryngyll is further admonished to relieve Adam Palmar from the foresaid sum. Done in the Chapter-house of the Monastery of Kelso.

Witnesses, John Schaw of Sawchy, William Ormistoun of Meirdein, and Schir John Hoppoland, Priest, Vicar of Maxwell.

73. Receipt by Adam Chatto, sub-prior of Kelso, for the teinds of Wodheid, and relaxation of Alexander Hume, younger, from the sentence of excommunication.

At Kelso, the vij° day of Junij in the yeir of God i^{m}v^{c} fifty-twa yeiris, we, Suppriour of Kelso, grantis ws to haue ressauit fra George Storye, in name and behalf of Patrik Hwme of Polwart, for the teyndis of the Wodheid, to gud compt of the yeiris of God i^{m}v^{c}xliij and xliiij yeiris sext lĩb of gud and vsual monye of Scotland, wythout preiudice of my lord commendatour, his doaris and chalmerlannis for the tyme. In witnes hereof we have subscrivit this acquitans wyth our hand at Kelso day and yeir abone exprimit, before thir witnes, Riche Fynlay, Johnne Kyng, and Schir Alexander Gybsoun, preist, wyth vtheoris diuers. Deñ Adam Chatto, Supp^{r}or of Kelso.

Domine curate de Polwart, salutem. Tenore presentium committimus vobis potestatem absoluendi in forma ecclesie Alexandrum Hwme, iuniorem, et Jacobum Hasty, a sententia excommunicationis quam alias incurrebant ad instantiam Domini Jacobi commendatarii de Kelso et Melros propter non solutionem summe vj*lib.* ad bonum compotum pro decimis de Wodheid de annis Domini, &c., xliij et xliiij et hoc simpliciter. Datum apud Kelso, die vij° mensis Junij, sub nostra subscriptione manuali anno Domini, &c., lvij. Deñ Adam Chatto, Supp^{r}or of Kelso.

74. Discharge by Sir Thomas Hutson, Prebendar of Dunglas, to "Patrik Hvme, of Pollert, yonger," of the sum of xl*s.* Scots for the lands and pertinents of the Channonbank for the Martinmas term of the year of God one thousand v^{c}lxviij, "in compleit payment of all yeiris and termes bypast on to this hour." Witnesses, Sir Wilyem Colvin, Patrik Hutsoun, Gespard Colling, and others. Signed, "Syr Thomas Howtson w^{t} hand." Dated 20th December 1568.

75. Assignation of the third of the Priorie of Sanctandrois.

Third of the money thairof, vij^{c}xlv*li.* xix*s.* iiij*d.*, 3*d.*

Tak.

The kirk of Migbie and Tarlane, lx*li.*
The kirk of Dull, in Atholl, lxxxxiij*li.* vj*s.* viiij*d.*
The kirk of Fowllis, in Gowrie, xl*li.*
The kirk of Lythgw, ij^{c}xlvj*li.* xiij*s.* iiij*d.*
The teindis of Westir Binning, x*li.*
[The] small teindis of Lythgw, [torn].
The teindis of Prestoun, x*li.*
The teindis of Hadingtoun, ij^{c}lxvj*li.* xiij*s.* iiij*d.*
The teindis of Clerkingtoun, vj*li.* xiiij*s.* iiij*d.*
And out of the annuellis of the toun of Lythgw, xij*s.* viij*d.*

Eque, eque, eque.

Quheit.

Third of the quheit, xij chalders, xj bollis, j firlotis, 3 part pect.

Tak.

Out of the kirk of Lucheris, viij ch̃. vj b̃.
Out of the kirk of Forgund, in Fyiff, x b̃.
Tak the rest out of the kirk of Sanct Androis gevand yeirlie, vi ch̃. x b̃. ij fr^{is}.

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Beir.

Third of the beir, xliiij ch. ij ƀ. j fr^is, half p^ct, 3 part p.

Tak.

The beir of Sanct Androis kirk for xxvij ch. viij ƀ. 1 fr^is.

And the beir of the kirkis of Lucheris, xxiij ch. ij fr^is; Gifin, vij ch. iij ƀ. 1 fr^is, ij p^ct, 2 part hal[f] p^ct.

Meill.

Third of the meill, xxxviij ch. j ƀ., 3 part p^ct.

Tak.

The kirk of Lauthrisk for xx ch. j ƀ.

The kirk of Markinsche for xxv ch. ij ƀ; Gifin, vj ch. xv ƀ. iij fr^is, iij p^ct, 2 part p^ct.

Aittis.

Third of the aittis, 1 ch. viij ƀ. iij fr^is, half pect and 3 part half pect.

Tak thir Aittis.

Out of the kirk of Sanct Androis, payand yeirlie, lviij ch. j fr^is, ij p^ct; Gifin, vij ch. vij ƀ. ij fr^is, j p^ct, 3 part half p^ct.

Peis and Benis.

Third of the peis and benis, j ch. ij ƀ. j fr^is, j p^ct, 3 part p^ct.

Tak.

Out of Sanct Androis Kirk, gevand iij ch. iij ƀ. Omittit, canis, caponis and all vther dewteis.

[The above account of the Thirds of St. Andrew's Priory is contained in a fragment of one leaf and a half, with the word "Assumsione" written on the margin. The date must be set down as between 1560 and 1600. The writ is in the handwriting of that period.]

76. Discharge by John Frost, Prebendary of "Strayfontanis," to Patrick Home, of Reidbrayis, of the sum of 40s Scots, being the dues of the prebendary, "aught be him as for the male of the Channonbank occupyiit be the said Patrik," for the term of last Martinmas. Dated 1574. Signed by "Agnes Lade Howm." [Strayfontanis, otherwise Three Fountains, was a small nunnery situated among the Lammermoors. It is said to have been founded by King David I.]

77. Four Discharges by "Master Willzem Schaw," Provost of Abernethy.

(1.) I, Master Willzem Schaw, Provest of Abernethe, grantis me to have resawid fra Geordе Story for the tend scheves of the Wodheid to cownt and raknyng v*li.* vsuall mony of Schotland; of the quhilk some I had me weil content, and paid and dischargis and quhit clemes the said George of the said some for nowe and for ever, by this my aqueitence subscrivid wytht my hand at Grynlaw the xxix day of Marche. Maist Wa) Schaw, ꝑvest of Abirny^thy. [No date, *circa* 1560.]

(2.) Discharge to George Story, in name and behalf of "Patrik Howm of Ridbrayis," for 23 merks in part payment of teind silver as

contained in another acquittance agreed upon at Greenlaw of all terms bygone, viz., of the years lix, lx, lxj, lxij, lxiij, and lxiiij. Dated at Greiulaw, 2 September 1565.

(3.) Discharge for £25 Scots for five years teinds of the lands of Wodheid to the said George Story for the laird of Redbraes. Dated at Hardanes, 24 May 1570.

(4.) Discharge to Robert Ankrum for £5 Scots for the teind sheaves of the lands of Wodheidis for the crop 1574. Hardens, 25 January 1574[5]. [All the discharges are signed as above.]

78. Three Discharges by John Baillie (natural son of Master Bernard Baillie, Parson of Lamington) to the Laird of Polwarth.

First.—Of the sum of £20 Scots for Whitsunday 1569 for a yearly pension which Baillie had obtained against him by decree. 10 June [1569].

Second.—Of £35 Scots in complete payment of the pension for all terms preceding, but not including Martinmas 1574 At Redbraes, 18 January 1574[5].

Third.—For £20 Scots of pension. Dated Redbraes, 10 May 1578.

79. Discharge by Alexander [Colville], Commendator of Culross, "economus" and administrator to James [Douglas], Commendator of Melrose, and John Douglas, Chamberlain of Melrose, to George Campbell of Cessnok, for 800 merks Scots as the composition and complete payment of grassum and entry of an infeftment of feufarm to be made by the Commendator of Melrose and his co-adjutor of the 40s. land in Quhythauch, 18s land of Over Auchmilling, 10s land in Auchinmonoche called Craftheid, 30s land of Auchinbrane, the 30s land of Barboith, and other lands in the lordship of Kylismure and sheriffdom of Ayr, extending in all to a £7 and 4 penny worth of land of old extent, paying the maills and duties used and wont with vjs. viij*d.* of augmentation; the infeftment to be delivered to the grantee with all diligence. Edinburgh, March 1584. Witnesses, William Cwnynghame of Capringtoun, Mongo Mure of Hallowit Chapell, and George Campbell, servitor to the Laird of Capringtoun. Signed, "Alex^{r}, Commendator of Culros, w^{t} my hand," "Jo^{ne} Dowglas, Chalmerlane off Melrois, w^{t} my hand."

80. Two Discharges by Alexander Fargy, Minister of the Kirk of Logie (near Stirling).

(1.) To "Patrik Hovme off Polwart, yongar," of the sum of £18 Scots in complete payment of the sum due him for serving the said kirk and for the crop and year of God 1576, referring also to another acquittance Fargy had given to Andro Hovme, Chamberlain of North Berwick, of the sum of £51 6*s.* 8*d.* Scots in complete payment of the stipend appointed to be paid to him. At Stirling, 4 December 1577. Signed, "Alexander Fargy, mist of Logy, w^{t} my hand."

(2.) Discharge by the same to Patrick Hume of Polwarth, tacksman of the teind sheaves of Logy, of the sum of £51 6*s.* 8*d.* in complete payment of his whole stipend out of the thirds of North Berwick for the crop and year of God 1591, acquitting Patrick Hume as tacksman and Dame Margaret Hume, prioress, and Alexander Hume, goodman of North Berwick, for all years preceding the date hereof. Stirling, 20 February 1591[2].

81. Discharge by Robert Douglas, Provost of the College of Lincluden, 2 May 1593.

Be it kend till all men be thir present letteres, me, Maister Robert

MARCHMONT MSS. Douglas, prouest of Lincluden, collectour generall to our souerane lord, and donatour to his Maiestie, in and to the escheit guidis of Williame erle of Angus, &c., at his Hienes desyre, to haif exonerit and dischargit be thir presentis Patrik Hume, younger, of Polwart, of all his intromissioun with onie pairt of the said erle's cornis, cattell, guidis or geir, in sa far as I haif richt therto as donatour to the said escheit be thir presentis. Subscryuit with my hand at Edinburgh, the secund day of May the yeir of God i^{m}v^{c}lxxxxiij yeiris, befoir thir witnessis, James Lord Lyndsay, Dawid Seton of Parbrothe, controlar. Lynclouden.

82. Two Discharges by Mr. Thomas Ogilvie, Provost of the Collegiate Church of Dunglas.

(1.) To the Laird of Redbrays for 11*l.* as payment of the bygone maills of the "Schanabank" since his entry in 1588. Dated at Dunglas, 9 March 1595[6].

(2.) To Sir Patrick Home of Polwart, knight, for all terms bygone since the decease of his father, Patrick Home, who deceased in the month of May 1599, for the lands of Kemmerghame mains and Bowshell, for the "minut viccarages and small tendis of the samin." 30 September 1605.

83. Precept of Sasine by Andrew Ker of Fawdounsyde, lord of the third part of the Lordship of Dirletoun, Haliburtoun, and Hassingtoun, and superior of the third part of the lands underwritten. Whereby in virtue of a precept from Chancery directed to him, bearing that an inquest held before Adam Cokburne, sheriff depute of Berwick, had found that the late Adam Bruntfeild of Hardaikeris, father of Nicolas Bruntfeild, now of Hardaikeris, died last vested in the lands called the East Mains of Hassingtoun, *alias* Hardaikeris, with tower and manor-place of the same, the said Andrew Ker charges Alexander and Andrew Brounfeild in Hardaikeris to give sasine to the said Nicolas of the said lands of Hardaikeris. Dated at Edinburgh, 10 April 1597. Witnesses, Mr. William Knox in Edinburgh, and Mr. James Knox there. Signed, "Andro Ker of Favdounsyd." "Mr. Wm. Knox, witnes," "Mr. James Knox, witness." [Andrew Ker of Fawdounside was the second husband of Dame Margaret Stewart, widow of John Knox, the Reformer. Mr. William Knox was son of William Knox, minister of Cockpen, and succeeded his father in the charge. Mr. James Knox, his brother, was a regent in the University of Edinburgh, and afterwards minister at Kelso. A third brother John became minister of Melrose. All the three were grand-nephews of John Knox, the Reformer.]

84. Discharges by Alexander Hume, Minister at Logie.

(1.) "I, Alexander Hume, minister at Lognie, grantis me to have receiued from Patrik Hume of Polward, my father, the some of lviij*lib.* money in compleit payment of my yeirlie stipend of the crope and yeir of God i^{m}v^{c} fourscoir auchten; quhairof I hald me weill satisfied and payed, and dischargis my said father thairof as of all vther yeiris preceiding the dait heirof, be this my acquittance written and subscryued with my hand at Lognie, the ix day of Merche 1598. Alex^{r} Hume, preicher at Lognie." [Alexander Hume was the second son of Patrick Hume of Polwarth, and was minister of the parish of Logie from 1597 till his death in 1609. He was author of various poems, among others a volume of "Hymes or Sacred Songs wherein the right use of Poesie may be espied," Edinburgh 1599, which was reprinted for the Bannatyne Club in 1832. His poem of "The Day Estival" was

reprinted in Leyden's Scottish Descriptive Poems. He was also the author of various works in prose.]

(2.) Precept by Alexander Hume, minister at Logie, acknowledging that he had received from John Stirling the sum of £58 for the duty of the tack of the teind sheaves of Logie assigned to him in stipend, £6 for the price of two bolls of meal and 50 merks money in name of pension according to a precept by Patrick Home of Polwarth, tacksman of the teinds, discharging the said John Stirling thereof and the said "Patrik my brother." Stirling, 26 March 1600. Witnesses, "James Alexander, tutour of Menstrie," and others. Signed, Alex^r Hume. Minister at Logie.

(3.) "Monsieur, please you give directions to deliver so much money as will furnish iij gallons of wine to the communion at our kirk, which is delayed vpon the same occasion. The summe extendeth to xiij*lib.* iiij*s.*, for the wine is here at xj*s.* the pynt. This hoping ye will do with expeditioun according to custome, I commite you, your bedfallow and familie, to the protection of God: At Stirling, the xiij of Maij 1609. Yours duetifully, Alex^r Hume.

"To the Right Honorabill Sir Patrik Hume of Polwart."

Indorsed, "Logy, from Alex^r for communion wine, 1609."

85. Testament and Latter Will of Mr. Alexander Home, Minister at Logie, in the shire of Stirling, who deceased in the month of December 1609; given up by himself at Edinburgh, 8 August 1609, before George Home, his brother-german, and other witnesses. Among his goods are "tua ky withe their followaris, pryce of the pece, xx*lib* inde xl*lib*. Item, ane yeld kow without ane followar, estimat to xxiiij mark," . . . of "cunziet" gold and silver in his own hands, 700 merks; books estimated to 326l̃ib 13s̃ 4d̃. "Item, ane ring of gold with ane saiffer (sapphire) stane estimat to vij crounis, pryce of the crovne iiij*lib*. inde xxviij*lib*;" also a ring of raised work, vj*lib*; a figure of gold of an ounce weight, xl*lib*. The sum of the inventory amounted to 700*l*. No debts were owing by the dead, but among his debtors were Patrick Drummond of Currinachter for 300 merks of annual for the last Whitsunday's term: "my Lord of Dryburgh" for his stipend of the crop 1608, £6 13*s*. 4*d*.; the Lady Polwarth and other executors of the Laird of Polwarth for 70 merks. "Item, be the next intrait in his place to his wyf and bairnis four scoir punds quhilk he debursit vpon the manss, quhilk is allowit to him be the brethren of the prisbittrie. Item, mair be Robert Seytoun, wickar of Logie, x*lib*." The sum of the debts due to him extends to £355 6s̃ 8d̃. In his latter will he constitutes his wife, Marioun Duncansone, and children, Dina, Naomi, and Caleb Home, his only executors; his goods to be employed upon profit to them at the sight of William Alexander of Menstrie (afterwards first Earl of Stirling), Mr. Ninian Drummond, preacher at Dunblane, John Scherar, burgess, and one of the bailies of Stirling, to whom he commits the government of his "wife and bairnis," by their good counsel; in case his said spouse deceased or married again, the commodity of his goods and gear to redound to every one of them *pro rata;* he nominates Marion Duncanson, his spouse, to be tutrix testamentar to his children, and in case of her decease or marriage, the said William Alexander and the others successively are to take the charge. "Item as to my buikis. I ordane thame to be sichtit and ane inventar maid of thame and comprisit by my faithfull brother, Mr. John Gillaspie, minister at Alwethe, the said Mr. Ninian Drummond, and Mr. William Stirling, minister at the Port [of Menteith], or ony twa of thaime, prouyding alwayis that nane of thame be lent furth vpon quhatsumeuir promeis as they will answer,

to God; bot that thay be put in numerat money and employit to the weill and vse of my saids wyf and bairnis." To his daughter Dina Home he leaves a sapphire set in gold valued at seven crowns; to Jonet Home, Lady Law, his sister, a piece "of gold of ane wncouthe cunzie," in remembrance of his good affection and he commits to her the upbringing and custody of his daughter Dina, "in cais sche can not be better with hir awin mother as the speiches war betuix me and hir," and when she received Dina, she was also to receive her portion. To his "gossope" John Scherar he bequeathed a ring of gold of raised work "about ane angell wecht" in remembrance of his special love. To Marioun Duncanson, his spouse, he left a great signet of an ounce weight of gold in remembrance of his love. "Item, I leve to the richt honorabill the gudman of Menstrie that buik callit 'Cornelius Agreippa' quhilk he hes of myne." To John Gillaspie, such one of his books as he should choose, and the same to Mr. Ninian. To his brother, the goodman of North Berwick, he leaves a piece of gold of strange "cunzie," in token of his good remembrance, and hope that he will be ane father to my childrein." To his brother George a piece of gold of an "uncouthe cunzie," in token of his love, with a piece of silver that "was my father's taiken," and hope that he will be "ane brother and father" to his wife and children. He ordains the obligation which he caused his daughter, the goodwife of Chesters, to subscribe before her marriage to be cancelled, the cancellation thereof to be her legacy. "I ordain the luit quhilk I haif in possessioun of the guidwyf of Menstrie be restorit to her againe, and the vthir musicall instrument quhilk I ressauit in legacie of wmquhile Dauid Balfour of Powhous, and I leif it to his eldest sone my belouit freind, and the wther musicall instrument quhilk I haif, that Mr. Andro Young, minister of Dunblane, gif it to quhome he pleissis." He leaves his love and Christian affection and blessing "to the maist noble lady, Dame Marie Stewart, Countes of Mar, and to the eldir Lady Elizabeth Melvil, Ladie Comrie." He leaves his love and hearty affection to Mr. John Gillaspie, Mr. Ninian Drummond, and other brethren in the ministry "and all that lowis the Lord Jessus Cryst"; also to all his friends and kinsmen, whom he exhorts to be religious and true dealers. His will is subscribed "Alr. Hume, minister of Logie, wt my hand," and is witnessed by George Home and others. The testament is confirmed by Robert Murray, commissary of Stirling, having power from George, bishop of Dunblane, to confirm testaments. At Stirling, 12 June 1610; and the testator's wife and children are confirmed as executors.

86. Five Discharges by David Lindsay, Bishop of Ross.

(1.) By Mr. David Lindesay, minister at Leith, to Ninian Makmoran, merchant and burgess of Edinburgh, tacksman of a quarter of the teind sheaves of the Kingisbarnis, pertaining to John Makmoran, acknowledging receipt of eight bolls beir and eight bolls meal for the lands occupied by William and David Lyell, and the same for the lands occupied by David Farmourar, for the crop 1599. Edinburgh, 12 March 1599 (1600), signed "Dauid Lyndesay, wt my hand."

(2.) By Mr. David Lindesay, Bishop of Ross, to Ninian Makmoran, burgess of Edinburgh, for 24 bolls beir and 24 bolls meal, for the teinds of Kingsbarnis occupied by the said Ninian and others. Leith, 6 April 1602. Witnessed by Mr. David Lindesay, his son. Signed, "David Lindesay."

(3.) Discharge by Mr. David Lindesay, Bishop of Ross and pensioner of the teinds of the Kingsbernis in Fife, to Ninian Makmoran, merchant burgess of Edinburgh, acknowledging receipt of the price of 36 bolls victual, half beir, half meal, for the duty of the teind sheaves of that

part of the Kingsbarnis which pertains heritably to the said Ninian, and to Ninian Makmoran, younger, his brother's son, of the crop of 1603; also disponing to the said Ninian 10½ bolls victual for the teind sheaves of that part of Kingsbarnis occupied by (blank) for the same year. Edinburgh, 14 February 1604. Signed, "Dauid Lyndesay." Foullertoun, fiar of Kynnabir is a witness.

(4.) By Mr. David Lyndesay, Bishop of Ross, to the same for 36 bolls beir and meal for the teinds of the lands of Kingisbarnis pertaining to the Bishop for 1608. Edinburgh, 8 February 1609. Signed, "Ross."

(5.) By Mr. Jeremie Lindsay in Leith, in name of his "faider, Mr. David Lindsay, Bischop of Ross," to David Gourlay in Leith for the sum of £106 13s 4d at command of Ninian Makmoran, merchant, burgess of Edinburgh, for the teind victual of that part of the Kingsbarnis occupied by David Fermorer, of which the said Ninian was tacksman. Leith, 19 June (no year). Signed, "Jeremie Lindsay." [The Mr. David Lindsay here named was chaplain to King James VI. on his voyage to Denmark, and performed the ceremony of marriage between the King and Princess Anna of that country.]

87. Three Discharges by Robert Lord Lindsay and John Lord Lindsay.

(1.) By Robert Lord Lindsay, principal tacksman of the teind sheaves and other teinds of the parish of Caraile (Crail), to Ninian Makmoran, younger, portioner of Kingisbarnes of £24 as for the price of 4 bolls wheat due yearly, and half a boll due by George Makmoran, his brother, with £3 for the small teinds for the crop 1610. Cowper (Cupar), 4 April 1611. Signed, "R. Lyndesay."

(2.) Another discharge by the same to the same for the crop 1612. At Cairnie, 26 January 1613.

(3.) By Norman Lindsay, Chamberlain to John Lord Lyndsay, to the same Ninian Macmoran for the crop 1625. Kingbairnes, 15 May 1626.

88. Certificates by ministers and elders in various parishes as required by law reporting the number of men between sixty and sixteen fit for military service.

(1.) By the ministers and elders of the Kirk Session of Ayr having taken trial according to the communion rolls and best information of the elders finding the number of men within the burgh and parish of Ayr between sixty and sixteen, blind and lame only excepted, to be 392, of whom there were at sea 62, "and of men from Ireland twentie four." Signed, T. Fergushill (minister of the first charge), and William Adair (minister of the second charge). No date, but circa 1643.

(2.) A similar Return by the minister, elders, and deacons of the Church Session of St. Quivox, certifying the number of men between 16 and 60 to be 66, "fyve millers and thretteine coillyears." Signed W. Fullarton (minister) and by the Session (circa 1643).

(3.) A similar Return for the parish of Barnweill containing the names which amount to 62. Signed by R. Wallace (minister), and Session. Circa 1643.

(4.) A similar Return for the parish of Muirkirk with the names of persons, finding the number to be 145. Dated at Muirkirk the 9th October 1643, and attested by Mr. Johnne Reid, minister at Muirkirk, William Campbell of Glaisnok, Hew Campbell of Middill Welwod, Mungo Farquhar of Lishaw, Charles Duncan of Garpoll, and others.

6. Miscellaneous Records, Journals, Heraldic Manuscript, and other Writs relating to the Homes of Polwarth.

89. Session Book of the parish of Polwarth bearing the following inscription :—"This book wes bestowed vpon the Session of Polwarth by Dame Christian Hamilton, Lady of Polwarth, in anno 1652." [Christian Hamilton, Lady Polwarth, was the mother of Sir Patrick Home, first Earl of Marchmont.] A few of the entries in this book may be given as specimens of similar Kirk Session Records of the period :—

"Annus subjugationis. At Polwarth, February 1, 1652. Preached Mr. David Robertson, having entred to the charge of the ministerie at the said kirk vpon Weddensday the 28 of Januarie 1652, and keept session. Collected 13ß 10đ. The minister enquired in the session if ther were any Bible for the publick service, any session-book, a box, a bason, cups, or cloathes for celebratioun of the sacrament, or any mortcloath? Elders ansuered that they had non of these since the time of plundering. Enquired also if they had any money for the poor? found 4lib 8ß Enquired if they had a schoolmaster? found they had on, but no maintenance for him excepting his quarter payments . . . . Ordains 20ß to be given to Alison Lawrie, blind; and 20ß to Walter Whitheid, unable to work by reason of his age—both parishineris."

Februarie 29, 1652.

Elders reported that they knew non quho unnecessarlie absented themselves from the church, and promised to goe through the houses everie Sabboth and see them come foorth to the church.

March 28, 1652.

Resolved that the minister should speake the lady and tutoris of Polwart anent the laird his ille (aisle), that the cope may be put vpon it, that it may be glazed and seats built therin with convenient diligence . . . . Patrick Jaffray and James Whithead exempted from collecting or visiting the parish be reason of ther age and infirmity. Bot finds that no new elders can be chosen or these receaved againe quho were removed for ther accession to the ingagment 1648; seing these quho are otherwise qualified for the place are uncapable by vertue of the actis of the Generall Assemblie secluding all from placis of trust in church or state, quho in any degree were accessoric to the forsaid ingagment . . . .

Februarie 12, 1654.

The elderis complained that the scholleris played at football the last Sabboth, and with them boys of gritter age and stature. The minister undertook to cause the schoolmaster discharge his scholleris and to speake to the parentis of otheris quho were ther; otheris quho were ordained to be cited to the session the nixt day.

Februarie 19, 1654.

The minister reported that the schoolmaster and parentis of these quho had profaned the Sabboth by playing at football had undertaken to restraine this abuse in time comming. And as others who had joined the scholars were found to be boys also, and professed sorrow for their fault, it was thought needless to bring them before the congregation, "so being rebuked and required to make conscience of sanctifying the Sabboth which they promised carefullie to doe, they were dismist."

May 29, 1661. MARCHMONT MSS.

The anniversarie thanksgiving ordained by the Kingis Maiestie and his parliament to be keept, not only because the said day is the King his birthday bot because thereon the King recovered his dignitie and soveraignitie and the poor oppressed subiectis ther liberty, wes solemnized. Collected, 11$\bar{s}$ 2d.

The entries which are in the main similar to those of other Session records which contain notices of church discipline and pecuniary affairs break off at 10 May 1668, some pages being apparently wanting.

90. A small quarto volume containing exercises on French grammar; extracts from the Court of the Barony of Polwarth, dated in 1606 and 1607; extracts regarding the proverbs of Solomon, Hermes, Homer, Pythagoras, Plato, Aristotle and others; extracts from Cicero de Officiis, "The rentall of the landis and leuinge in the estait thai ar in this instant yeir of Gode 1603." The second half of the volume, however, has been utilized to contain a description of the arms of the nobility and gentry of Scotland, with the following heading:—

"The armes of the Kinges and potentatis as I had occatione to find them out, and also off the Scotis nobilitie, in the best ordor conforme to ther precedencie in anno Domini 1600; with the armes of the names and gentlemen's families sett doun alphabetically as I collected them out of three severall bookes off armorie, the most ancient I fount in Scotland, and likewise out of the moderne bookes wherein the old wer deficient."

The hand-writing of the armorial portion of the MS. volume appears to be that of Sir Patrick Home, afterwards first Earl of Marchmont. He was very learned in the history of Scottish families.

It is impossible in this Report to advert seriatim to these coats of arms, but it is evident that they have been carefully described to the date, both in arms and mottoes. A specimen or two is subjoined:—

"Erle of Athole Stewart caries quarterly, 1st, paly of sex ore and sable by the name of Athole; 2dly, ore a fesse checquy argent and azure by the name of Stęwart, &c., supported by two wilde men with clubes argent fettered together by the feet; the crest a hand holding a key argent; the motto, 'Furth fortune file of thy fetters.'" [The modern motto is "Furth fortune and fill the fetters."]

"Erle of Sudderland Gordon caries qua[r]terly, 1st, azure three boare heads erazed ore by his name; 2dly, ore three lyons heads erazed gules; 3dly, ore thre cressent within a double tressure counterflowred gules; 4tly, azure three cinquefoiles argent on ane inscocheon gules three mollets ore; supporters, a hound and a horse argent; crest a hart head cupd ore; moto, 'Bolt sicker.'"

[The description of the Sutherland arms is nearest those engraved on a seal of John, tenth Earl of Sutherland, where the horse and hound appear as supporters but without the motto. Similar arms are blazoned in Workman's Heraldic Manuscript in the Lyon Office, Edinburgh, of about the same date; and the motto as given reads, "Bvt siccar," which is unmeaning, and the "Bolt sicker" above explains. Bolt or Bowt in old Scottish meaning to spring or leap; here, apparently, meaning to mount the horse for the chase.]

The writer's own arms are given as follows:—"Hume of Polwart, quarterly, 1st, vert a lyon rampant, argent; 2nd, gules, three piles ingrailed argent, by the name of Polwart; 3, argent a crosse ingrailed azure; 4, as the first."

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91. Diary or Journal kept by and holograph of George Home, second of Kimmerghame. It is a private manuscript journal, written in the end of the 17th, and beginning of the 18th century. George Home was a cadet of the Homes of Polwarth, and married Margaret Primrose of Barnbougal. The diary contains many notices of current public events and private affairs. It has never been published.

92. Pass by Oliver Cromwell to Christian Hamilton Lady Polwarth.

"Suffer the bearer hereof, the Lady Polwarth, with her servants and horses, quietly to pass from Edinburgh with seuen trunkes to her owne howse at Redbrease in the Mars, without any lett or molestacion. Given vnder my hand and seale the 28th day of December 1650.

"O. CROMWELL.

"To all officers and soldiers under my command." [Seal remaining.]

93. Bond by James Lord Mauchline for peaceable behaviour, 10th March 1655.

"I, James Lord Mauchline, doe by thes presents give full power and commissione to Sir Hew Campbell of Cesnok, knight, and John Chalmers of Gadgirth, joyntlie or severallie, to assuir the right honourable Generall George Munke, commander-in-cheife of the forces in Scotland, that I sall give in guid securatie bund in ane thowsand pund sterling for my peacabell deportment, and that within tuentie-ane dayis efter my faitheris laying doune of airmes, according to the article of agrement maid in behalfe of my faither with the said generall, holding firme and staibell what they or aither of them sall doe thair anent. In testamonie whairof I haue subscriuit thes presentis, at Gaeysyd [? Gateside], the tent day of Merch instant 1655, befoir thir witnessis, Hew Penango and Robert Halden.

"MACHLINE.

"Ro. Holden, witnes; Hughe Pennango, witnese."

94. Letter, General George Monck to Collonel Cowper, in reference to the submission of the Earl of Loudoun and Lord Mauchline his son. [Contemporary copy.]

"Sir,—Having this day agreid upon articles with Sir Hew Campbell of Cesnok and John Chalmers off Gaitgirth, for the cuming in off the Erll off Lowdone, his sonne and servants, whairby it is agreid that the said Erll sall within 21 dayes efter delyvering vp ther airmes give good securitie, bound in the sowme off fyve thowsand pounds for his peaceable deportmentt to his Heighnes and successors; and also thatt the Lord Machleine sall in lyk manner give good securitie in the sowme off on thowsand pounds for his Lordshipps peaceable deportmentt, I have inclosed the draught off the bounds, after quhich forme I wald have yow to take securitie off them after they ar cume in and laid downe ther armes according to the articles. If you sie just caus for abating anie thing off the fyne off Mr. Johnne Read be the courtt martiall att Ayr, I desyr yow to abaitt so mutche off itt as yow think fitt. I remaine, your verrie loving friend, George Monck.

"Letter for Collonell Cowper."

95. Original Warrant superscribed by King William the Third, for creating Patrick Lord Polwarth Earl of Marchmont.

The preamble proceeds thus:—

"William R.

Our Soveraign Lord taking into his royal consideration the great and faithfull services done and perform'd to his Majesty and to the crown and kingdom of Scotland by his right trusty and right well-beloved councillor, Patrick Lord Polwarth, Lord High Chancellor of the said kingdom, and by his predecessors and progenitors, in the high offices and trusts, civill and military, wherein they have been employed by his Majesty's royall predecessors, kings of Scotland, (as that of treasurer of that kingdom, and that of guardian of the East Marches of Scotland towards England), and that the said Patrick Lord Polwarth has given great and eminent proofs, not only of his firm adherence to the reformed religion but also of his great fidelity and untainted loyalty in asserting and maintaining the rights and prerogatives of the Crown and monarchy, and the lawes and liberties of that his ancient kingdom in times and occasions of the greatest difficulty and danger; and his Majesty calling to remembrance that in his great and glorious undertaking for delivering and preserving that and his other kingdomes from popery and tiranny, the said Patrick Lord Polwarth did attend and accompany his Majesty from Holland, and hath since that time faithfully and diligently served his Majesty in promoving and perfecting the same glorious design, and behaved himself worthily in the important offices and places wherein his Majesty has trusted him," to encourage him to persist in his fidelity, his Majesty ordains a patent of honour to be expede the great seal of that kingdom, "making, constituting, and creating, likeas his Majesty by these presents makes, constituts, and creats the said Patrick Lord Polwarth, Earl of Marchmont, Viscount of Blasonberry, Lord Polwarth of Polwarth, Redbreas, and Greenlaw," giving to him and his heirs male whatsoever in all time coming the title of an Earl and Viscount, with all privileges thereto belonging, and that his wife and children should enjoy the same rank and precedency as appertained to wives and children of other Earls and Viscounts, &c. "And that the said patent be expede the Privy and Great Seals (in respect the said Lord Polwarth is at present high chancellor of that kingdom) per saltum," &c. At the Court at Kensingtoun, 23rd April 1697, and of his Majesty's reign the 9th year. At the end of the warrant is the Secretary's docquet of its contents for perusal by the King, signed by (John Earl of) Tullibardine, then one of the Secretaries of State for Scotland.

96. "Diploma Patricii domini Polwarth de titulo et dignitate comitis de Marchmont, &c." The patent repeats the statements of the warrant much in the same terms, and the King commands the great seal and also the privy seal to be appended. At the Court at Kensington, 23rd April 1697.

97. Letter referring to a very ancient charter by King William the Lion, grandson of King David the First, to William son of Freskin, of the lands of Strabrock (in West Lothian), between 1165 and 1171. George Crawford, author of Lives of the Officers of State of Scotland, and of a Peerage of Scotland, states,* that he had seen the charter then in the custody of Dame Catherine Stewart, Lady Cardross, proprietor of the lands of Strabrock, as was also her son, the Earl of Buchan, who had the charter in his charter chest. Crawford describes it as containing a grant to William son of Freskin of the lands of "Strabrock, Duffus, Rossile, Inchikel, Macher, and Kintrai, 'quas terras pater suus Freskin tenuit tempore Regis David avi mei.'" The

* Nisbet's Heraldry, Vol. II., page 183.

charter has been missing for upwards of half a century, and cannot now be traced, a fact which was regretted by the late Mr. Innes in the preface to the Cartulary of Moray. As Freskin is the earliest known ancestor of the Sutherland family, as well as of the Morays, Dukes of Athole, while the Douglases were nearly related to the first Freskin, this charter may be considered as common to these three great historical houses. Further evidence of the existence of King William's charter is afforded by a letter in the collections now reported on. It is from Katharine Stewart, Lady Cardross above mentioned, to Grisel Countess of Marchmont, dated 29th February 1698, in which after referring to various papers which belonged to her, and were in the keeping of the Earl of Marchmont, but which Lady Cardross was very anxious to have returned to her, she adds in a postscript:—"Your Ladyship will find by the inclosed memorandum that ther is ane old charter of ours in my Lord Chanslers costidie, and it is of gret momint to us for cliring of our marches with our nibers, therefor I would intret to have it, when it mey be woth my lords convenincie." The memorandum here referred to is pasted on the third page of the letter, and is as follows, though the date apparently must refer to the time when the charter was first lent to Sir Patrick Home:—

"Edinburgh, 28th June 1684.

"To get from the Earle of Marchmount, Fresiken of Strathbrock, his charter from King William of the lands of Strabrock, which he got from my Lord Cardrosse to coppie because of its antiquity."

98. "Additional Instructions to the Earle of Marchmont, his Majesty's High Commissioner, to the Parliament of Scotland. 1698."

William R.

Additional Instructions to our right trusty and right entirely beloved cousin and councellor, Patrick Earle of Marchmont, our Commissioner for holding the seventh session of our current Parliament of our ancient kingdom of Scotland.

(1.) You are [to] pass such Acts as shall be proposed in favour of the Presbiterian Church government, which shall not be inconsistent with or prejudiciall to our prerogative, or the protection granted to Episcopall ministers.

(2.) If any of the Episcopall ministers who are at present in their churches shall apply to the Parliament, you are allowed to pass an Act admitting them to qualify themselves according to law, and to give them our protection.

(3.) If the Parliament shall give an excise upon malt as a fund, we empower you to consent to an Act discharging the three pennies upon the pint of ale, &c., during the continuance of the excise on malt, providing the excise on malt be not less than two merkes on the boll.

(4.) If the Parliament shall think fit to provide for the disbanded officers untill they be paid off their arrears, or otherwise provided for, you are to give our assent thereto, the standing forces being first supply'd.

(5.) You are to endeavour after the supplys for the forces are setled to obtain an Act continuing the imposition of tunnage upon ships, or to procure some other fund for the maintaining or imploying the frigotts.

(6.) You are allowed to pass an Act allowing of a copper coynage in such terms as the Parliament shall think fit, providing that the benefit arising therfrom be left to our disposall.

(7.) If the Parliament shall reckon upon what is resting by the Lord Beilhaven and his partners, tacksmen of the inland excise, or any part thereof as an effectual sum, in that case you are to allow the Parliament to cognosce and determine upon the grounds whereupon they crave an abatement.

(8.) You are allowed to pass an Act dispensing with the calling out of the militia for so long time as the Parliament shall give funds for maintaining the standing forces, conform to the present establishment, except in the case of necessity, such as defending against forreign invasions, or suppressing intestine insurrections.

(9.) You may consent to an Act for facilitating the entries of vassalls by subaltern superiors.

(10.) When the publick good of any of our burghs or sea-port towns is heavily burdened with debts, or where their publick works require it, you are to consent to Acts for such moderate excises or other impositions within themselves as shall be found necessary.

(11.) You are to pass an Act, after the funds for maintaining our forces and other publick exigencies are given, for encouraging Mr. Adair, Captain Slezer, and Mr. Cuningham, and giving them allowances for carrying on their several works for the good of the publick.

(12.) You are to pass such Acts as shall be proposed for encouraging the manufacture of inland salt.

(13.) On occasions of difficulty you are to consult with the officers of State, or others of interest in the Government or Parliament, or so many of them as you shall by their behaviour in Parliament judge firmly zealous for our interest.

(14.) If the Parliament cannot be brought to give the supply's but by passing Acts contrair to your instructions, you are in that [case] (if no other expedient will serve) to adjourn to such a time as that you may consult us and have our answere rather than pass such Acts.

(15.) You are empowered to continue this session of Parliament from the time of its meeting for seven weeks.

Given at our Court at Kensington the 24th day of June 1698, and of our reign the 10th year.

W. R.,
By his Majesty's command,
JA. OGILVIE.

99. Warrant under the sign manual of King William the Third for a commission to Patrick Earl of Marchmont, to be Commissioner to the General Assembly of the Church of Scotland. The preamble states that the King ordains a commission to be past under the great seal of his Majesty's ancient kingdom of Scotland, making mention "that whereas by his Majesty's order the Generall Assembly of his Majesty's said kingdom was appointed to meet the sixth day of March next ensuing; and his Majesty being desirous and finding it necessary for the good of the said Church that the said Generall Assemblie meet upon the day appointed; and that his Majesty, by reason of his other weighty affairs, cannot in person be present in the said Assembly; and his Majesty being fully satisfied by many proofs of the sufficiency and fidelity of his Majesty's right trusty and right well-beloved cousin and counsellor, Patrick Earl of Marchmont, Lord High Chancellor of his said kingdom, whose eminent endowments render him every way fitted and qualified for rightly managing the high trust after mentioned," therefore his Majesty appoints him his High Commissioner, with power to represent his Majesty's sacred person and royal

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authority in the said Assembly, &c. The commission to commence on the 6th day of March, and to continue during the sitting of the Assembly. Court at Kensington, 23 February 1701–2. The docquet is signed by John, Earl of Hyndford.

100. "Instructions to the Commissioner to the General Assembly, 1701–2":—

William R.

INSTRUCTIONS to our right trusty and right entirely beloved Cousin and Counsellor, Patrick, Earl of Marchmont, our Commissioner to the General Assembly of the Church of our ancient kingdom of Scotland.

(1.) You are at the opening of the Assembly to give them new assurance that we will maintain the Presbyterian government in the Church of that our kingdom.

(2.) You are to suffer nothing to be done in the Assembly to the prejudice of our authority or prerogative.

(3.) You are to take particular care that nothing be treated of that is not a fit subject for an ecclesiastical meeting.

(4.) You are to recommend to them the planting of such churches as may be still vacant, in which they shall meet with all encouragement.

(5.) You are to take care to prevent, as much as possibly you can, the turning out of their churches such of the Episcopall ministers as are qualified conform to the Act of Parliament.

(6.) You are to encourage any inclinations you find in the Assembly to assume to their government such of the ministers who preached under bishops and are qualified by law whom they shall find to be pious and moderat men.

(7.) You are to allow them to appoint commissions for planting vacant churches and for assuming such ministers as have either qualified or shall qualify themselves according to law, being pious and moderat men; and for dispatching such ecclesiasticall affairs as shall be remitted to them by the Assembly.

(8.) You are to endeavour that as soon as possible the Assembly dispatch what is most necessary, leaving other matters to the aforesaid Commissioners and the inferiour judicatures.

(9.) In matters of difficulty you are to advise with such of our officers of State or members of the Assembly as you shall think fit.

(10.) You are to dissolve this Assembly betwext and the 26th day of March next, or sooner if bussines can be got done, and you are to appoint a new Assembly to meet at Edinburgh the day of .

Given at our Court at Kensington, the 23rd day of February 170½, and of our reign the 13th year.

By his Majesty's command,
HYNDFOORD.

[These Instructions are of interest, as being the latest document signed by King William regarding the Church of Scotland. He died on the 8th of March immediately following, and on the same day Queen Anne signed a warrant for a new commission to the Earl of Marchmont to act as her representative.]

101. Warrant superscribed by Queen Anne, referring to the commission by the late King William, to the Earl of Marchmont "to represent his royall person in the present Assembly of the Church of

her Majesty's ancient kingdom of Scotland. And her Majesty being willing to give all due encouragement and countenance to the sitting of the said Assembly, and that the same may meet with no interruption in prosecuting the ends for which it was called together," she in the usual form appoints Patrick, Earl of Marchmont, as her High Commissioner to that effect. At St. James's, 8th March 170½. Countersigned by the Earl of Seafield.

In my Second Report on the Marchmont muniments I shall deal with the official correspondence of Lord Chancellor Marchmont, which is too important and extensive to be included in the present Report on the charters.

WILLIAM FRASER.

Edinburgh, 32, Castle Street,
16th January 1893.

SECOND REPORT ON THE MARCHMONT MUNIMENTS OF THE FAMILY OF POLWARTH, LORDS POLWARTH, AND EARLS OF MARCHMONT, IN THE POSSESSION OF SIR HUGH HUME CAMPBELL, BARONET, OF MARCHMONT, AT MARCHMONT HOUSE, BERWICKSHIRE.

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In my First Report on the Marchmont muniments the ancient charters and miscellaneous writs of the Homes of Polwarth are dealt with. The present Second Report deals with the correspondence of that family, including both public and private letters. The public letters are of considerable interest and importance, relating as they do to many of the events in the reign of King William while the first Earl of Marchmont was Chancellor of Scotland.

The first in the series of letters [No. 102] is a letter by Mary, Queen of Scots, without address, informing her correspondent that she had sent Commissioners to York to meet those of Queen Elizabeth, dated at Bowtoun, 24th October 1568. The next two letters [Nos. 103 and 104] refer to Patrick Hume of Polwarth, younger. The first is by Ludovick, second Duke of Lennox, recommending the young laird for his honest behaviour in the King's service; the second is an order by King James the Sixth to Patrick Home of Polwarth, younger, as Captain and Keeper of the Castle of Tantallon, giving particulars of the number of persons required to keep the castle, and also their rate of wages, dated at Edinburgh, 16th February 1592–93. No. 105 is a somewhat ecclesiastical production on behalf of a young cleric. The pathetic appeal of William, tenth Earl of Angus, then in ward for his Roman Catholicism, to send him a hawk for killing partridges, to help him to pass his "malincolius houris," is referred to in No. 106. It is not quite clear to which Laird of Polwarth the minister's complaint [No. 108] applies, but it may refer to the levies in 1643, when there was considerable backwardness in raising the quota for Berwickshire [Nos. 110 and 111]. Sir Patrick Home of Polwarth, already named as Keeper of Tantallon, married Julian Ker, daughter of Sir Thomas Ker of Fernihurst. He died in 1609, and she married a few years later Sir Thomas Hamilton of Binning, afterwards Earl of Melrose and Haddington. It is to him she refers, in her letters quoted in No. 109, to her sons Patrick Home of Polwarth and George Home of Kimmerghame. She was a voluminous letter writer, and there are a considerable number of her letters both in the Marchmont Charter Chest and in that of the Earl of Haddington. Their character may be inferred from the quotations, the last of which refers to an outbreak of the plague near Edinburgh in 1635. Her husband's remedy for the disease is characteristic. "The best remeid he knew quhen any vos in suspetion of the plaig vos to flit sun and far of and to be long a coming bak agane." Sir Patrick Home's letter to his wife about the proposed tutor [No. 112] is of interest. He seems to have died in the following month. No. 114 is curious, as illustrating the method of procedure in trials for witchcraft. The treatment of Protestants in France referred to in No. 119, and the story about the English Parliament in No. 120, may be noted.

The son of the last-named Sir Patrick Home, also Sir Patrick (afterwards the first Earl of Marchmont), succeeded in 1648, while yet a minor. He became one of the most prominent men of his day, and in 1675 was imprisoned in Edinburgh Castle for objecting to some acts of the Government. The letters [Nos. 123—127] relate to this period. Nos. 129 to 132 are of considerable interest, as throwing light upon the emigration scheme which was proposed by Sir Patrick Hume, Sir George Campbell of Cessnock, Sir John Cochrane of Ochiltree, and others. The letters show what was intended and how much had been actually done, though the colonization project was not carried out, as the promoters were shortly afterwards charged with complicity in the "Rye-house plot." As is well known, Sir Patrick Home concealed himself for a time, and then escaped to Holland. Nos. 133—135 refer to this, No. 134 showing that Sir Patrick's son was held as a hostage for his father after Argyll's expedition. Sir Patrick returned to Scotland in 1689, and from that date onwards the letters to him bear much on public affairs. One of the most interesting is No. 147, the letter written by Sir Patrick to his wife, announcing his elevation to the peerage as Lord Polwarth. His plans for his family in consequence of the new dignity are characteristic.

The letter immediately following is from Colonel Hill, who commanded the garrison at Fort William, on the subject of the Highlands and the means taken for allaying disorders and settling the clans. Colonel Hill's letters, ranging over several years [Nos. 148, 150, 153, 154, 166, 184], are of interest, and especially when compared with No. 209, giving the opinions on the same subject of Duncan Forbes of Culloden (father of President Forbes), and No. 210, which expresses the views of an aggrieved chieftain. The letters written by Mr. Carstairs, Nos. 151, 152, 155, and by the Master of Polwarth, Nos. 156, 157, 159, 163, from the seat of war in Flanders, narrate little incidents of the campaign. A letter [No. 172] from a captive Scotchman in Barbary, addressed to the Glasgow treasurer of the relief fund, gives a graphic and evidently truthful account of the sufferings endured by those who were unfortunate enough to fall into the hands of the Moors.

The remaining letters between 1690 and 1702, when King William died, are chiefly political, and, though not of special importance, throw some light on the factions and intrigues of the period. George Baillie of Jerviswood, ex-Secretary Johnstone, the Earl of Tullibardine, and the Earl of Seafield, all give their own views of passing events. It may be noted that the reference in No. 177 to the "businesse of Aikenhead" is to the trial and *hanging* of a young student of eighteen who had perplexed himself with puzzling theological questions, and was charged with blasphemy [*see also* No. 170]. Another matter regarding which there is some correspondence is the attack by Simon Fraser (afterwards Lord Lovat) upon Lady Lovat, the widow of the previous Lord Lovat, and also his seizure of Lord Saltoun and party. The letters in question are [Nos. 194—198, 201], and indicate the measures taken to punish the delinquents. In Nos. 191, 197, 216, 217, we have a sequel to the story of Dr. Cornelius Con, told on p. 55 of the Athole Report [12th Report, Part VIII.], who was so barbarously treated by the Earl of Seaforth's men. No. 186 tells of an outrage by French privateers-men on the person of Hew Cathcart of Carleton.

Several letters relate to dealings with the Roman Catholics and with non-juring Episcopalians, including John Paterson, Bishop of Glasgow. The letters allege various crimes against the Catholics, and also detail means taken for their apprehension [Nos. 173, 180, 181, 189, 192, 193,

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208, 218, 220, 221, 231], of which Nos. 208, 220, and 221 are most noteworthy.

The fire which destroyed the greater part of the Palace of Whitehall on 4th January 1698 is referred to in Nos. 169, 204—207. King William's attitude towards the Scottish enterprise known as the Darien Company and the troubles of that Company are noticed in Nos. 188, 203, 214, 222—232. The death of King William in March 1702 with the immediate circumstances, including the debates on union which was then proposed, are referred to in Nos. 234—241.

After the accession of Queen Anne to the throne, the Earl of Marchmont continued to hold the office of Chancellor for a few months but was superseded in the month of June 1702. He continued, however, to be a strong supporter of the proposed union, and letters from Lord Somers, Lord Wharton, and others on this subject will be found in Nos. 244—247. The narrative contained in No. 248 of the Lord Belhaven's examination in connection with the French invasion of 1708, and graphically related by himself, gives his opinion of the reasons (which have somewhat puzzled historians) as to the primary causes of the invasion.

The insurrection of 1715 occupies the majority of the remaining public letters. Those which deal with this subject are, however, chiefly addressed, not to the Earl of Marchmont, who was now too aged for public life, but to his second surviving son Alexander, known as Lord Polwarth, since the death of his elder brother in 1710. Lord Polwarth was appointed Lord Lieutenant of Berwickshire with the usual powers for raising men to be sent against the rebels. Some of the letters [*cf.* Nos. 259, 260] illustrate the difficulties of making such levies. Others [Nos. 255—258, 261—266] give information of the doings of the rebels both in the north and south, and include a letter from Fort William narrating the mustering of the Highland clans [No. 263]. No. 267 contains a long account of the battle of Sheriff Muir.

The last four letters [Nos. 269—272] are of a wholly miscellaneous character. The first, dated in 1676, is interesting for a reference to a manuscript of the History of the Church of Scotland by David Calderwood, which, if it be accurately described, is not known to modern writers. It may be noted that the alleged custodier died in the following year. The letter, No. 270, indicates the state of feeling in Scotland after James VII. had abdicated and while the Prince of Orange was still unrecognised as ruler of Scotland. No. 271 is a specimen of the letters of Lady Grisel Home or Baillie, eldest daughter of the first Earl of Marchmont and wife of George Baillie of Jerviswood. The last letter contains, from a contemporary source, an amusing anecdote of Pope Clement XI. and the Emperor's Ambassador.

The greater portion of the correspondence has been gathered together and bound in the following divisions and volumes :—

Public Letters, Vol.			I., 110	letters,	1592—1682.
,,	,,	,,	II., 116	,,	1683—1693.
,,	,,	,,	III., 112	,,	1694—1696.*
,,	,,	,,	IV., 188	,,	1697.
,,	,,	,,	V., 142	,,	1698.
,,	,,	,,	VI., 163	,,	1699.

* It may be noted that there are in this volume a large number of news letters written from London with the home and foreign news. There are also a few such in Volume II. These news letters have not been detailed in the Report.

Public Letters, Vol.	VII.,	112	letters,		1700.
„ „ „	VIII.,	101	„		1701.
„ „ „	IX.,	102	„		1702—1703.
„ „ „	X.,	87	„		1704—1714.
„ „ „	XI.,	85	„		1715—1717.
Private Letters, Vol.	I.,	99	letters,		1603—1671.
„ „ „	II.,	97	„		1672—1680.
„ „ „	III.,	113	„		1681—1687.
„ „ „	IV.,	110	„		1688—1696.
„ „ „	V.,	94	„		1697—1698.
„ „ „	VI.,	99	„		1699—1700.
„ „ „	VII.,	111	„		1700—1704.
„ „ „	VIII.,	118	„		1705—1717.
Family Letters, Vol.	I.,	122	letters,		1625—1693.
„ „ „	II.,	89	„		1694—1717.

Besides these there are a large number of letters not collected into volumes, some of which have been selected and embodied with the others in this Report.

The Public Correspondence. 1568—1717.

102. Letter (address wanting), by Mary, Queen of Scots, intimating her choice of Commissioners to go to London, 1568.

"Traist cousigne, we greit yow veill: The present heirof salbe to schaw yow that at this conference hes bene in York betuix our Commissioneris and thais of the Quene of Ingland, quhair our rebellis hes bene hard and found nathing to thair advantage bot rather to thair dishonour and gud advancement of our desyres. In the meane tyme, our said sister hes desyrit ws to send sum of our lordis towartis hir as in lyk maner wilbe thair of the saidis rebellis. Quhairfoir we haif send vp our traist counsalouris, the Bischop of Ross, my lord Hereis, and the Abbot of Kilwynning, at quhais returning we luik to haif ane gud resolutioune; and as we ar aduertisit of the furtherance thairof sall mak yow participant of the samyn, nocht doubting that ye will continew in your gud mynd towart ws. Referring the rest to our nixt aduertisment, committis yow. to the protectioun of God Almychtie. Off Bowstoune, the xxiiii of October 1568. Your gud frind. Marie R."

103. Letter (address wanting) by Ludovick, second Duke of Lennox, 1592.

"Traist freind, eftir our harttie commendationis. In respect of the gude and honest behauiour of the young Laird of Poluart in his Maiesteis seruice, as alswa his gude deserving not onlie vnto ws bot alswa to our vmquhile darrest father, we have tane occasioun maist earnestlie to requeist yow to assist and forder him in his present adois quhilk ye sall vnderstand vther be himself or this berar, as ye will do ws maist speciall and agreeabill plesour and as ye sall find ws reddie to the forderance of all and quhatsumeuir your vther ressonabill effairis. Swa committis yow to the protectioun of the Eternall. From Halyrudhouse, the day of December 1592. Your louing and assurit freind, Lenox." [The last five words with signature in the Duke's own hand.]

104. Order by King James the Sixth about Tantallon Castle. "Apud Edinburgh, xvj° die mensis Februarij 1592. The Kingis Majestie with auise of his counsell nominatis and appoyntis his loving

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seruitor Patrik Hwme of Polwart, youngair, Capitane and Kepair of the Castell of Thomptalloun, and to that effect that he sall haue a portair, twa watchemen, and a garitour, and euery ane of thame to haif in the moneth a boll of meill, with four suddartis, and euery ane of thame to haue in the moneth twa bollis meill, to be pait be the thesaurair depute of the reddiest of the eschait cornis, fermis and teyndis of Williame Erll of Angus, begynnand the first pament of the said monethlie allowance vpoun the first day of Februare instant, and sa furth monethlie in tyme cuming quhill his Maiestie tak further ordour anent the keping of the said hous, quha will alsua see the said Patrik satisfiit and rewardit for his awin panis according to his deserving. James R," " Tho. Ther^ius^," "S. Robert Meluill," "A. Hay," "Carmychell." [The signatures are those of the King, Thomas Lyon of Auldbar, Treasurer, Sir Robert Melville of Murdocairny, Treasurer Depute, Sir Alexander Hay of Easter Kennet, and Sir John Carmichael.]

105. The following curious letter appears to have been written in support of a petition made on 2nd October 1604 by Sir Patrick Hume of Polwarth, praying the Presbytery of Duns, in terms of a deliverance by the Commission of the General Assembly, requiring the Synod of Merse and Teviotdale to take Mr. Colin Row on trials for the ministry, and if found qualified, to recommend him to the Presbytery of Duns, whom Sir Patrick desired to admit Mr. Row to the parish of Polwarth on his presentation. It would appear that the Presbytery appointed the trials to take place, and, in anticipation, an anonymous writer wrote as follows:—

"To the bretherin appointit auditoris and judgis for tryall of M. Colin Roue, at Kelso, ye vij of Nouember instant." "Excuis my post haste. Pleis your wisdomis to excuis M. Colin Roue in cais his doctrin be not corispondent to your expectatione and plesoris, his studie being interropit partly by report of precogitat coursis and platis denisit in his preiudice to promoif ane vdir to the plac, condeming him as it var befor he be hard, contrar to reson, conscienc, and ordinane of the Sinod, and partly by my awne moyane that mouit to stay his techinge gif I had taryit in the cuntrie, persaifing the proseding of perticular men, gifing collatione, as is alledgit, to him quhais lif doctrin and maneirs hes not ben apprufit (I belief) by sua mony famus and autentik testimonyalis; not the les albeit (in ane manier) his eschet is disponit befor he be conuict, and is forfaltit befor he haif offendit, be sum men, I troue your godly visdomis that ar judgis voll redres the doingis of sik men, and repond the honest innosenc of that mane in his awne place, houeuer he lik the heraris. I kna perfitly and is in consienc persuadit he is of gud lyf, modest, meik, holy, graif, humblle, and fulfillit of Crestiane cherite, als apt to teche and edife the pepill (that ar veill plesit vith him) as ony yonge man perhapis vithin the land; gif ouer gret modesty and reuerenc to the auditor, harme him nathing, he can do veill. I kna Demostines in his youthe, the gret orator, stud dom befor the pipill, ve red; schamfastnes, silenc, and sobernes ar vertuis remember. Gif at the soden your autoriteis astonis aue yong man sua far that he can not vtir his gud conseptionis and knaledge, voll ye reiect him? (God forbid). To conclud, as the Lord voll reuard youe, haif regard to the honest innosenesie of that simpll saull, void of ostentatione, pride, ir, inuy, and all vncheritablle euellis that sould be odius befor youre eis. Gif that yong man be reiekit consider thir euilis to folloue, first the innosent sall be oppresit, your visdomis euell reportit of for sucseding in the vic of men that hes manifestit their malis vpon perticular respectis that ar and sall be profin; thredly, the kirk sall remaine vnplantit. 4. The pepill

diplesit that hes maid chois of him. 5. Myself vrangit and opressit as appeiris, and peraduentur kindll sik fyr of discord betuix me and my frendis and neboris, quilk is impossiblle to be quenchit during our dayis. The Lorde dereett your doingis in this and all your actionis. From Berwick, the v of Nouember 1604."

106. Letter from William, tenth Earl of Angus, addressed to the Laird of Polwarth, dated 6th September 1608, from Glasgow, where the Earl was then in ward for opposition to the Kirk. The letter, which refers to some legal discharge to be granted by the Earl, is of no importance, but the postscript may be noted as bearing on the Earl's situation. He writes, "I request (yow) to get me tarsell of falcon or goss halk to slea partrikis, to help me to pas my malincolius houris heir in ward."

107. Letter from Alexander, Earl of Dunfermline, Chancellor, and other members of the Privy Council, requiring the Commissioners chosen by the small barons and freeholders of Berwickshire, to attend the Parliament to meet on 15th June next, "proxydit to ressone, voit, treat, and conclude in suche thingis as salbe proposed at that meitting." Edinburgh, 15th May 1609.

108. Letter addressed to George Home of Kimmerghame by Mr. Alexander Case, minister of Polwarth, complaining of the Laird of Polwarth. He states that he had two men servants, one of whom he held in readiness "to go forth in this just and lawfull imployment vnder the commander of the Church regiment, necessitie forceth me to keep the other because I myself have no skill of servile work." But the Laird of Polwarth insisted on having this second man, notwithstanding remonstrances and the assurance of the Laird of Wedderburn, his Colonel, that it was against equity. He sent "a great number of his men into Polwarth with some of his owne domestik servants with banded staves, picks, and musketts to take away my man, and searched barn and byre for him, but he was not in the way, and commanded them that if he or any others whom he designed did resist they should toom a payr of bulletts in them,—these were his words." The same night the Laird's men had gone to Langhopebirks and "beseiged that steading, being charged to bring downe to the Readbrays (Sir Patrick Hume's house) Sandie Garner, and if he would not come willingly then to force and compell him." The next day the same company were sent "to bring out of the byre Sandees cow, to keep her till Sandee brought his son, yong Sandee, whom he had designed for a sojour. The lad was serving in Polwart, and fled out of the way, yet Sandee himself was mynded to go to the Laird, but my wyfe counselled him not to go at that tyme, because she sayd he would do with him as he had done with old Jhon Hill in the Edges keeping him as a prisoner till he found out his sone Archie Hill, my man, and for that cause if he gett him not he would send out that old poore man in his sonnes stead. If this be seemlie work, lett any sober man judge." The remainder of the letter, which is very long, threatens an appeal to the Privy Council, and comments severely on the Laird's turn out of men. No date.

109. A number of letters from Dame Julian Ker addressed to her sons Patrick Hume of Polwarth and George Hume of Kimmerghame. She was first the wife of Patrick Hume of Polwarth, and afterwards married Thomas Hamilton, Earl of Melrose, and first Earl of Haddington. The letters are dated between 28th June 1625 and 28th December 1636. They contain much advice, worldly and religious,

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but are not of a very historical character. A few quotations may be given, however, which partake of that nature, in their reference to current events. (1) In her first letter, 28th June 1625, she writes, "I delyuerit me lord of Melros (her husband) your serues and sperit gif euer he had vritin to you, quho said, no, or gif he vald vrit to you, and he said he vald vith the first ocation ; but I tald him not of this letter. He is euen the man he vos, yet constant in the ald fason." She further says, "Ye do euel that writs not both to my lord, my brother, and to Sir Robert Kar, quho is ane gret courteour and gentleman of his Maieste bed chalmer. Mend this falt I pray you." She also refers to the coming to England of Queen Henrietta Maria, and adds, "thar is many prests and sum jesauets cum vith her, bot schu is thocht not to be obstenat, vith Godis grace."

(2.) On 16th September 1627 she again wrote to her eldest son, the Laird of Polwarth, then at Poitiers in France. "I am grouin both very sekly and vnable, and the only reson tharof is melankoly and gref for your vaybyding and conteneual feir of your danger, espesially since thir vars brak vp betuex our King and the King of France, quhairfor I am very sory at my hart, and so is many ma in this cuntre, quisch I thocht sould a pouset [pushed] your haim-cuming befor this tim, bot seing it hes not and nou that ye haif gotin your desir and vther sex moneths to your delitit exarsisis sair aganest my hairt, I maist eirnestly request you for God's caus and for my blising, and the contentment of al that lous you, and the vel and standing of your auin estait, to lay al excusis, resons, or arguements quhatsumeuer asid and cum haim vithout delay. . . . I pray you to haif ane gret cair to cum the most saif vay the Lord derek you, and to haif ane handsum and vel fasined man to seru you, becaus be God's grace ye must cum be court and kis his Maieste hand and the Quen's, vith quhom I houp ye wolbe ane gret courteour being so gud an French man, and I think be knychtit." In a post-script she writes, "Your gud father hes changit his stil fro Melrose to Erle of Hadington; the reson he neuer tald me, nor I did not sper, bot it is thoucht it is to humer the King because it is ane erektion."

(3.) In a letter to her second son, on 8th July 1634, Lady Haddington, *inter alia*, writes, "I am sur ye ar very il plesit of this vnjust truble that is befalin me good lord of Balmerenoch; the Lord in his gret merce to preseru and delyuer him from al thar malece and deuelisch plots. They kep al things so secret and obscur concerning him that ve can her nothing of thar intention."

(4.) On 2nd October 1635, after referring to some business matters, she writes, "Bot varly aneuch the gretest caus of the sending of this berar is the gret fer of the pest that is her be ane schip that is cum haim vith marchant vairs that is foul, and ane boy com out of it to Cramont and gud in sundre housis and did drink, and going to the Quensferry deid be the vay, and tuo hirds rypit his purs and tuk out 8 or 9 dolars, and that money, as is reportit, hes fylit sundre pairts and four or fiue housis in Cramont is closit vp. Thar is ane vyf and hir douchter deid and tuo or thre brokin out, as my lord Hadinton is informit, for he is very curyous to knou and afrayit aneuch, and so it is gud to be ferit for il; he is going to Teningham on of the days of the nixt vek vith al fliting, and said yester nicht at the burd that the best remeid he kneu quhen any vos in suspetion of the plaig vos to flit sun and far of, and to be long a cuming bak agane." [The remainder of the letters are not of great importance.]

110. Letter from "A. Hepburne," perhaps of Wauchton, to George Home of Kimmerghame. "Ye show mee that the shyre of Bervik hes

made some acts contrair to these of the Committee. Yee must not respect these acts made be the shyre, but goe on according to the ordours of the Committee of Estates, and if yee find anie difficultie in your procedour, I think the Lord Generall will be in your bounds shortlie, and will rectifie any thing that shall be found amisse there," &c. Edinburgh, 30th December 1643.

111. A letter to the same, by the first Earl of Dalhousie from Ayton, 4th February 1644, in regard to the number of men required by the Committee of Estates, that Lauderdale was to be counted as part of Tweeddale and not of Berwickshire; that the men should be enlisted and then the cost proportioned. "Ye sall knaw ther is a let ordinance of the estaites ordaining these wha will not willingly putt foorth their men sall pey four hundreth merkis, so that gif ye will not speidlie put foorth your men I howp the four hundreth merkis that I will gett, gif ye disobey, will geve me contentment," &c.

112. Letter, Sir Patrick Hume of Polwarth to his wife. "My heart, I thought to have sent to you erre now, bot had not one to send, for Achter hurt himself so evill at football in Polwart upon Sunday that he was not able to sturre. Stallon is runne away with some money your mayde gave him to gett yairne, and his new cloathes and shoes which hee had, and some other things he hath taken in the house." Sir Patrick thinks he may have crossed from Leith to Fife. He adds, "If you fie a man, I think you would doe best to fie one that could play and sing and wryt; if you could have him to learne the childreen, hee were woorth a better condition then two or thrie of thir young fellows that can doe nothing, bot you would bee sure that hee had good knowledge of his craft. Wee heare nothing bot warres and rumors of warres heare, and of men advancing towards the border. Neuertheles, I would bee content to have my writts by me, and you should even arme yourself with constancie and resolution, and not bee fleeting and flowing and running from ane place to another, bot you may use your owne mynd in this," &c. Redbraes, 8th March 1648.

113. Two letters, the first dated Kelso, 24th August, and the second at Edinburgh, 2nd September 1648, by "A. Hamilton," to George Hume, of Kimmerghame, urging him to furnish troopers. In a postscript to the first letter, he writes, "Sir, if you will gett ane good horse and saidle ther is ane sufficient prettie man will vndertak for ane trowper vpon reasonable conditions; for pistolls, if you be not provyded, I can help you with them vpon a reasonable raite."

114. Letter by the Earl of Loudoun as Chancellor, addressed "For our honoured friends Mr. George Hoome of Kimergem, and remanent commissioners appointed to minister justice vpon Agnes Ankrem, Johne Hill and his spous, within the paroche of Greinlaw." "Honoured freinds,—Haveing issued furth a comissioun to yow against certane persons accused of the cryme of witchcraft, and being desireous that thair tryell may not be informall but vpon sume well grounded evidentes, wee thought fitt heirby to recommend to your speciall care that, notwithstanding any confessions emitted by the parties befor the ecclesiasticall judge, you would appoint tuo or on at least of your number to repare to the parties with some of the ministers befor whom they formerly confest, and cause them renew thair confessioun in thair presence, without giveing notice that commissioun is given against them, that so the confession being made befor some of your number

(thoughe the parties sould therefter receide from the same) you may the better know how to prosecute the commissioun in a formall way. And this course wee desire may be constantly observed in all tyme cuming, that the depositions may be taken befor some of the comissioneris authorized to try the partie (if ony be), and if there be non, befor any civill judge, or the heritouris appointed justices in that parte by act of Parliament, at Perth, the 7th of Agust 1645. And becaus the divulgeing heirof may, through the perversenes of the parties, induce them to resile from their depositiones, and harden them in an obstinat denyell, and therby obstruct the discovery of the cryme of witchcraft through the whole kingdome, you are therefore wisely and carefully to manage the bussines according to the power given you; wherin wee hope you will not faill. So wee remaine, your assured freindis. (Signed) Loudoun, Can^{llrius}, J. P. D c̄onc." Edinburgh, 12th April 1650.

115. Letter to the Laird of Kimmerghame by Sir Alexander Don of Newton, intimating that the writer had received from the Privy Council a proclamation "declairing his laite Hienes most illustrious sone Lord Richard, lord protectour of these nationnes," with a command to publish it, which he intended to do next day at the cross of Duns in time of market, and requesting that the laird may be present with other justices, that the publication "may be done with the greater solemnitie." Newton, 14th September 1658.

116. Letter to the Laird of Kimmerghame (Robert Hume) by James Dundas of Arniston, regretting that he had been so often hindered in his proposed visits to the Merse. "I was fullie resolved at four of the cloke this afternoone to have taken jurnay to-morrow, notwithstanding I could not convenientlie have done so, but having after that tyme receved the armee ther declaratione and informatione that they wer presentlie drawing together about Edenburgh, I thought it not fitt for me to goe from home so longe ane jurnay not knowing what might fall out here." The writer expresses regret at the death of Hume's father, "so worthie and kynd ane frind," adding, "my wyffe presents her service to you and hops your new wife wil comfort you for the want of your auld father," &c. Arniston, 25th October 1659. [The writer was Hume's uncle.]

117. Letter to Sir Patrick Hume of Polwarth by Mr. John Veitch, sometime of Weststruther and one of the ministers "outed" in 1662.

"Much honoured. My cariage having beene so peacable as is known to neighbours I did not expect to have meet with such vsage, however, I neither blame the Earle of Home nor your honour. Onlie since vthers ar dismissed upon baud and I am your prisoner, I humblie intreat ye may obtaine me the lik favour upon sufficient cation to stay within the parish wher I served, and to compeir within twenty-four houres quhen ever I shall be called for be the Earle of Home or your honour or any other having commission from you for that effect. Your obtaining of this desyre will put an exceeding obligation upon, Sir, your affectionat freind and servant, M. I. Vetche. Duns, 30th November 1666."

118. Letter to the same by the Earl of Home, appointing a place of rendezvous for Polwarth's division at "Cresemoor" between Nisbet and Langton. Dated 28th November 1666, the very day of the battle of Pentland.

119. Letter to the Earl of Loudoun from Mr. W. Doull, Saumur. The writer informs the Earl of his intended return to Scotland. "The sad condition of the Protestants in France who are left to the mercie of their mercilesse enemis, the Popish clergie, has made me resolue to retire myself from this country. Churches are pulling downe euerie where. The ruine of our Academie is the maine thing they aime at, and in all probabilitie in a few days will accomplish there designe. They have made a prohibition to all strangers to teach publiklie in our colleges or schooles, and vnder the name of strangers they comprehend Scotsmen as well as others, which is a great breach of our privileges which wee have enjoyed hitherto." The writer states that some friends in England have engaged him to travel into Italy and Germany with two young gentlemen, and he hopes to move homeward in the spring and reach England in "the next summer come twelue moneths," when he will be willing to enter the service of any Scottish person of quality going abroad, &c. Saumur, 2nd September 1671.

120. Letter, the Earl of Tweeddale to Sir Patrick Hume, from Yester, 3rd November 1673. . . . "I send you heir the king and the chancelairs speach in [the English] Parliament on Munday last and the orders of the hous that day, only I most tell you a story that ther was putt under the speakers chayr a sabbot or wooden shoe with the French kings arms on the on side and our kings on the other, and within a chaplet and beads with this motto, *utrum mavis*." [In a previous letter, 27th October, Lord Tweeddale refers to a probable postponement of the Parliament for the Duke of York's marriage, who had gone to meet the Duchess at Dover.]

121. Letter from Charles, first Earl of Aboyne, to Sir Patrick Hume, intimating that on Wednesday next the Earl of Queensberry and he, "and many wthers of ws ar to tak jurnay from this place to meet Duk Hamiltone, who parted from Londone upon Tuisday last and resolues to be at this place wpon Saterday nixt. The Earle of Cassells and Lievtennant Generall Drummond ar in companie with him. Drumfrise cam away two dayes befor, and Blakbarronie, Bonimoone and Sir Patrick Murray ar to tak post three or four days after the Duke. Ther hau bein many indewoirs wsit both be false reports and wtherwayes to diswnite ws heer amongst herselfs, but all to noe purpose, for the designe of serwing the king and cuntrey is now soe fixt in peoples briests that in probabilitie it will prow hard to subwert it." The writer suggests that Lord Home should meet the Duke, the Earl of Roxburghe having appointed his son to do so. The writer further expects Polwarth to meet them at Berwick, where, "if the weather be anything seasonable, Duk Hameltone will be meet with a gryt confluence of people from this place, &c." Edinburgh, 23rd February 1674. [Lord Home wrote on 25th February refusing to meet Duke Hamilton, "I never will waite upone any subject sooner then the kings hie commissioner whoever it be, and since I have not kissed his hands, assure your selfe I owe noe dwety to the other being in the same conditione as my selffe," &c.]

122. Letter from the Privy Council, signed by Chancellor Rothes, appointing Sir Patrick Hume to rendezvous the militia troop under his command for 1675 on Fogo Moor on 13th July next, and stating certain measures to be taken that the men had received pay from those who provided them. Edinburgh, 7th February 1675.

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123. On 2nd September 1675, Sir Patrick Hume was imprisoned in Edinburgh Castle for opposing the planting of garrisons in the country, as an infringement on the liberty of the subject, and for refusing contributions to that end from the shire of Berwick. On the same day Lord Home wrote to him in anticipation. "If the counsell prove severe to you, be assured you shall have company, since we have done nothing illegall or what we will not stand to. For my owne parte, and [I] dare answer for all the rest we will be as ready to serve his Majesty with life and fortune as any subject whatsomever, and will maintaine in this affaire passive obedience," &c. Hirsel, 2nd September 1675.

124. Letter, the Earl of Home to Sir Patrick Hume, that they had heard of the latter's removal to the Castle, and encourageing him to be firm. Hirsel, 10th September 1675.

125. Letter from William (Douglas), third Duke of Hamilton, expressing regret at Sir Patrick's imprisonment and with offers of aid. 13th September [1675].

126. Contemporary copy of a long letter from Mr. John Pringle, minister of Fogo, apparently to one of the bishops urging the release of Sir Patrick Hume. " . . . I doe not medle with the cause, only as to his person. I cannot but regret that he being one of that degree that from his infancie he has been delicately bred and is indeed of a tender and fine constitution should yet be cast into a common goale ane unwholsome place to the detriment of his health. My lord, he is a person of much honor and rarely endowd, not to speak of his extraordinary sobriety and courteous civility; he is a gentleman addict to letters (not very ordinary in many of his ranke) and seen in them to criticismes. But that which was first in my eye and designe, though last mentioned, is that he is a good patron to churches, not troubleing your lordship with seiking out and presenting dissenting brethren, and ane excellent patterne of conformity and orderly walking. There are none or very few will hear our complaintis of disorders or use their interest and authoritye to suppress them as hee. He never failes on all occasions to countenance, support, and speak kindly to us, wheras wee meet with other measures from others, whose behaviour towards the church as now constitute, the publicke worship and our owne persones endeares him to us exceedingly." For these and other reasons, Mr. Pringle urges that "kirkmen" should endeavour to procure Sir Patrick's release. Fogo, 23rd September 1675.

127. Letter from Henry Lord Cardross, who was also in prison, to Sir Patrick Home, dated from Edinburgh Castle, 24th November 1675. "Dear Sir.—I am ashamed of my so seldome coresponding with you in writ, since we ar deprived of a personal one, but I hope your goodness will pardon me and not impute it either to unkindness or leasiness, when I tel you that I am hardly master of one quarter of ane hour by reasone of our having only one roome, which is our bedchamber, our dining roome, our drawing roome, the roome wher my wiefe receaves her visits, the roome wher I receave my visits and does anay bussiness. Judge, I pray you, wher I cane doe anay thing, the chamber being almost constantly full of women and frequently of men which makes me often neglect my bussiness." Lord Cardross is glad to learn that Sir Patrick is in good health. He also condoles with him on the death of his brother, and concludes, "You may be confident, my dear Polwart,

I shal never take notice of anay rumore or suggestione which are too frequently spread abrode, which may tend in the least to the disadvantage of our cause or of those that ar for it," &c. Addressed to Sir Patrick Hume at Stirling Castle, where he was in custody. [The Council by command of the king issued, on 29th February 1676, an order for his release.]

128. A letter, dated Edinburgh, 23rd May 1679, without address or signature, thus refers to the death of Archbishop Sharp. "As for that barbarous murder of the Archbishop, it is impossible for me or any man as yet to give you any thing like a rationall accompt of it. The Presbiterianes are blamed for it by ther opposites and some take much paines to make it done by strangers and jesuites. Houever it be, there is no discoverie of any consequence made in it and wee are all left to conjecture." [The murder took place on 3rd May 1679.]

129. Letter to Sir George Campbell of Cessnock, signed "A. M.," dated 28th April 1682, from Edinburgh, referring to the proposed expedition to America. "Right worshipfull sir, I wrott a lyne yesternight anent ane motione maide to sex of the society of ane English gentleman, a presbyterian, his bwying of New York at 15,000līb sterling, quho is informed of a designe of maiking ane interest in America from this cwntrey and, by some agent of his, desyres wee be acqwainted that he is willing the one halfe goe to ws, and that we erect quhat government best pleaseth ws and haive the halfe shaire in the government. It apeares wee wer conveaned by my Lord Cardross interpositione, quho told ws that a persone now one the plaice had apointed him to shew ws if wee wowld concwrr in that purchasse wee might haive presbitry estaiblished, and as to the civill, ane joynt interest in maiking of lawes and ewrey things els relaitting to the government. Ther occwrred to ws as followes:—1st. Ther is ane considerable fort with 40 brasse cannon. 2. Ther is 1,500līb of quitt rent. 3. Ther is ane towne peopled and the cowntrey adjacent to it, so that the new planters wowld be oblidged to goe forder in, it being certainly in the optione of these alredy satled to permit ws so mwch as bwild ane howse in the towne, or if we showld be permitted, to make the raite. In end he desyred we showld maike our memorandum and he wowld comwnicate to his freind, bwtt now cowld nocht tell quhat interest wee that wer privat persones showld haive in the fort, quitt rent or towne, nor quhat nwmber of aikeres wee showld gett for 50 or 100līb. He swfferred ws to say my Lord Melvill was the persone, and inclyned to be heritable proprietor of our plantatione, saying it was absolwtly necessar the English gentleman being for the English, and so for ane swtable ballance it wowld follow he showld be for ours. Wee told him the persone to represent ws being willing now to accept and continue quamdin se bene gesserint, and therafter elective and also satisfie ws quhat wee showld haive for our money, wee wer willing the quitt rent showld goe to him, which if of that amwnt wowld ballance the quholl interest of the pryce and more, quherby he was alredy reimbwrsed and so awght to give ws the rest of the cwntrey for nothing, and that allenderly fra our coming to plant and so haive the benefeit of our defence." The remainder of the letter indicates that on consideration the New York scheme was given up, and attention was directed to Carolina, the constitution of that State being "accomodate" to their minds, and the idea of sending commissioners there was approved. The writer urges Sir George Campbell, who was the younger laird of Cessnock, and Sir John Cochrane to be present at the next meeting.

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130. Letter, without date, but probably written about this time, in terms of the resolution to send Commissioners to Carolina, addressed to "Mr. Mortoune, Governour at Ashley River," and signed by Sir John Cochrane of Ochiltrie. The letter intimates that the bearer, a Mr. Crawford, carries with him a duplicate of the agreement made with "the Lords Proprietors of Carolina." "Wee have commissionat these men to search out for us the most navigable river, and to acquaint themselves so well with the entries of quhat river shall be chosen that they may be able to navigat our ships into it. We sent you by Captain Adams from London a letter direct from the Lords Proprietors desiring you to furnish men and sloupes unto such as wee should commissionat to sownd the rivers and take up our land; and seeing the success of our plantation depends upon the report that these men shall bring back, wee doe not doubt but you will answer both the proprietors and our expectation in giving them your best advice and assist them with all things necessary." The writers promise that if the reports of the river and land are encouraging, they will proceed vigorously to carry on their plantation and bring with them "suche a considerable number of gentlemen and ministers, and such a strength of people well provided of all things necessary, as will exceedingly raise the reputation of that province." The writers earnestly beg the governor's assistance, &c.

131. Letter, dated Edinburgh, 2nd August 1682, from "Charles Charteris" to Sir George Campbell of Cessnock, or in his absence to Mr. John Sinclair, Secretary to the Duchess of Monmouth, ". . . I shall only give you my opinion, if it can reach you, that I thinke it will not be neadfull for you to be at the charge of procuring a licence from the king for 10 ships, in that I believe some of them may not be employed upon transportation of people to Carolina. In that four or six vessels at most is all that you can expect to employ, thoe you were to transport a thousand persons next year, except the veshels were to be very small. . . . I believe it will not be for our advantage to transport a thousand next year, in that it will cost us much more charge for transportation of people the first year then it will doe in any of the following years, in that 200 or 300 going over the first year will make roome for twice so many the next year and will make provisions for them; nether doe I believe that those that councelled you to buy a 1,000 cows to plant your ground doe give you good advice, in that perhapes a hundred or two may serve all the passengers you ar to transport next year, by whom or at lest by ther overseers, you may know wither it will be fitter to buy a 1,000 at the same rate or perhapps half so cheape." He advises that the vessels should be licenced to call in Virginia or Barbadoes to carry goods if necessary, and refund part of the expenses. He suggests sending a small vessel this year with a few passengers who would make preparation for a greater number the next year. The writer gives further advice as to goods, tools, and merchandise to be transported with the passengers.

132. Letter, Sir Patrick Hume of Polwarth to Sir John Cochrane and Sir George Campbell, evidently relating to the same subject. ". . . . I have made offer of foure of the sex undertakeinges you wer pleased to trust mee with, in these three shires of Barwicke, Roxbrugh, and Selkirk, to such persones whose concurrence others more judicions and I conceived might be of most use in the generall project, and did discover a pretty good relish of the busines, but the whole affaire being new and unknowen to most in these pairtes, there is more

time required to consider of a busines of this nature before positive resolutions can be fixt upon." He therefore requests a longer term for giving an answer. "As for the other two undertakeings of the sex, you will have ane account of Arnistone's resolution from the Tutor of Blacader, who is come of purpose to waite on you, and obtaine this delay for us; and my Lord Melvill, not being neare, I could not meet with him to make your offer to him, nor could doe it by writing to any advantage, besides that it may come more convenieutly from others. This with thanks for your civilities to me," &c. Signed, "P. Hume." Dated at Polwarth House, 2nd October 1682.

133. Three packets of letters. (1.) Letters from Sir Patrick Hume of Polwarth, under the assumed name of "Peter Pereson," from Ghent, Rotterdam, and other places in Holland, whither he escaped after the Ryehouse Plot, from 28th December 1684 to 30th April 1685. (2.) Letters from the same, between 8th July and 22nd August 1685, written under the assumed names of "Peter Wallace" and "Peter St. Clare" while he was under hiding in Scotland after the failure of Argyll's invasion. There is a pass by James Boyle, Provost of Irvine, to enable "Peter Wallace, surgeon," and James Scott, wright at Irvine, to go to Ireland, dated 19th August 1685. Sir Patrick appears to have sailed from Irvine to Dublin, and thence to Bordeaux. (3.) Letters from the same, between 23 November 1685 and 21 May 1687, under the assumed names of "Peter Wallace" (or "Wallas"), "P. Sinclar," "P. Walton," written from Bordeaux, Geneva, and elsewhere abroad. In these letters there is nothing of a historical nature. They refer entirely, or to all appearance entirely, to domestic affairs, though it is possible there may be concealed political allusions, to which, however, there is no key.

134. Packet of letters from Patrick Hume, younger of Polwarth, between 3rd March 1679 and 2nd November 1689. They are chiefly private epistles, but touch on some points of wider interest. While in London, in the early part of 1685, he was apprehended and placed under charge of a messenger, as a hostage for his father who had joined Argyll. On 4th July 1685, he wrote, "I am in verry good health and in verry good company, and have aboundance of liberty, in so much as I have wearryed less since I came here then I did when I was free, only it will be devillishly dere. I find myselfe out out to be made a prisoner of, for I take verry well with it, though it be verry hard I should be made a publick hostage of, that now since Argil is taken and our . . . (torn) business put to a verry good close. I must yet stay till the divelry that Munmouth hath raised be ended also, or he taken, for they will not now let me out upon bail. All will go well eneugh with me, and I hop well eneugh with you." He desires clothes and money to be sent to him.

In May 1686 he went to Holland, and in December of that year he wrote from the Hague that he had promises of advancement from the Prince of Orange, "and we are now voluntiers in his own company of guard among persons of verry good quality till we learn the Dutch way of exerciseing, and when we are perfite in that I have verry good ground to expect to be an ensigne in his guards, or som fare better place in some other regiment, but pray do not talke of this except to Grissell and verry good freands for fear some thing may stopp it." Later, he betook himself to the study of law.

The latest letter, after a considerable interval, is dated from Edinburgh, 2nd November 1689. He states that he had received letters "just at the water of Spey as I was coming south. All hath been as

quiet in that country as ever they use to be, for I believe nobody that knows thes people will think stealing a winder. My troop have not been well used in having more fatigue then fell to their share. I wish you would gete out my commission . . . , but if I be no better used in my advancement and the date of my commission then I was by that from the Estates, and this winter quarter, I resolve rather to give it over and go home and snad trees at Polwart House, for I find no man can serve the publick in Scotland in time of peace except he resolve to be slighted as long as ther is either poor or impudent lords, and I think we may take as long a time as never to be quat of thes."

135. Packet of letters by the Rev. William Carstares in two divisions. (1.) Letters written in or about the year 1687 from Leyden to Sir Patrick Hume under the name of "Monsr. Walton," at Ghent. (2.) One letter dated in 1691, and a few in 1697, addressed to the Earl of Marchmont. None of these letters contain anything specially noteworthy. Those of the first division touch very slightly on Scottish news, while the most important of the second division only comments on Breadalbane's negotiations with the Highlanders. Perhaps the most interesting item in the packet is the following cipher-key, which may be of use in others of Mr. Carstares' letters. It was in use in 1697 :—

"The King	Mr. Watt.
The Parliament	Mr. Rosse.
The Councill	Mr. Davis.
Secretarie	Mr. Hamilton.
The Chancellour	Mr. White.
The President of Councell	Mr. Dodson.
E. Broadalben	Mr. Linn.
D. Queensberrie	Mr. Thomas.
E. Tullibardin	Mr. Wallace.
Sr James Ogilvie	Mr. Danson.
E. Aberdeen	Mr. Roberts.
E. Arran	Mr. James.
E. Selkirk	Mr. Johns.
E. Portland	Mr. Donn.
E. Albemarle	Mr. Williams.
E. Annandale	Mr. Wier.
Mr. James Johnston	Mr. Dod.
Lord Whitelaw	Mr. Hastie.
Lord Carmichell	Mr. Moodie.
The Advocat	Mr. Hay.
The Justice Clerk	Mr. Hall.
E. Argyle	Mr. Dauson.
Lord Tiviot	Mr. Man.
Presbiterians	Mr. Stuart.
Episcopall	Mr. Holms.
Treasurie	Mr. Forbes.
Sr John Maxwell	Mr. Murray.
The Nobilitie	Mr. Thomson.
Mr. Carstares	Mr. Ellies.
President of Session	Mr. Webster.
Lord Polwarth	Mr. Rae.
Scotland	Jack.

a b c d e f g h i k l m n o p q r s t u v w x y z.
2 3 n f o q 4 5 7 9 8 r s l u w y x d b 6 m f r p."

136. Letter to Sir Patrick Hume, then in London, intimating to him that "The generall meeting of ministers and professors of the Presbyterian persuasion in the Church of Scotland having aggried upon ane address to his Highnes the Prince of Orange for rescuing this afflicted church from that ruine wnder which it hath groaned these many years, to have the grievous yoke of prelacie removed, the ancient and beautifull government of Presbytrie re-established, and to have her ministers restored, were unanimouslie desirous to have" his concurrence, and they desire him to act as one of their Commissioners. Edinburgh, 3rd January 1689.

137. Letter, (anonymous) dated at Edinburgh, 12th January 1689, giving an account of proceedings there after the issuing of the Declaration of the Prince of Orange. The magistrates and Town Council, being Episcopalians, delayed to publish it though requested to do so, but were frightened into submission by a rumour that 1,000 of the Western Presbyterians were coming to Edinburgh to enforce publication. A number of youths in the city also desired about the end of December to display the Prince's banner, which they had prepared and applied for permission to do so but were put off, and some time afterwards approached the Council with a new address, at the presentation of which there were some wordy passages of arms.

138. Another letter, dated 2nd February 1689, also anonymous, railing against the Papists, denying the statements made of indignities offered to the curates, and condemning the magistrates for their leanings to Popery. A very long letter.

139. Letter from Andrew, third Lord Rollo, to Sir Patrick Hume of Polwarth, complaining of the disaffection existing among the gentlemen of the shires of Angus and Kincardine, who had refused to furnish horses, men, and arms as required by the Convention of Estates. He also relates a narrow escape he had from being made prisoner by Claverhouse. He desires the Committee of Estates to take active measures, and to order the shires in question to send their levies to him at Dundee. Dundee, 14th May 1689.

140. Letter to Sir Patrick Hume from the same, undated, but probably about the same time, complaining strongly of the conduct of John Hamilton, Bishop of Dunkeld, then residing at Meigle, who had used every endeavour to speak ill of the Convention of Estates, had incited others to take arms for Claverhouse, and had taken prisoners three of Lord Colchester's troopers. He had prayed for the restoration of King James, and had entertained Claverhouse. Lord Rollo desires that active proceedings should be taken against him.

141. Letter by Sir Patrick Hume (without address), dated Edinburgh, 7th June 1689, vindicating himself from misrepresentations which had been made to prejudice the King against him, and asserting (1) that he had never been absent from the Convention of Estates or the Committee for settling public affairs, (2) that he voted according to his duty or reason on every Act of importance, (3) he was ever earnest to avoid delays, (4) he had a principal share in promoting the Act asserting the authority of the Estates, though not then a voter, (5) also in promoting the Act declaring the throne vacant, (6) with the claim of right and the articles of grievances, (7) he also moved that the Estates should submit to the King lists of men fit for the public offices, (8) on its being reported that the King was dissatisfied he actively

promoted a letter from the Committee explaining the state of affairs, and (9 and 10) furthered the presentation of it and certain views to the King in person.

142. Letter signed apparently "D. Fearne," to Sir Patrick Hume of Polwarth, dated from Hampton Court, 29th June 1689. He was a member of "the honest partie," or country party, to which Sir Patrick Hume then belonged, and writes hopefully of his own undertakings for the party in London. He says, "Some new caball are makeing all ther interest to gett in T. secretare; my Lady Sutherland hes done good service as to your generall concerns with the Queen, with whom she hade severall conferences, and whom she convinced of some things rashlie done, and the King hes been acquented with the generall concerne of honest people. Melville seems now to be troubled for some things done, and is resolved not to be rash againe. . . . The Pope has banished the French Jesuits from Rome; the Jesuits in generall seem to declare against France also, because its given out he will declare against the Pope. I see a letter from Germany giveing account of a great defeat a flying partie of 2,000 Croats gave the French upon the Rhyne, though the French were triple the number of the Imperialists. The King gave audience yesterday to the Sneddish envoy. There are very many French deserters come hither; there are also 4,000 men come out of Holland to the King's presentt service, and more are following; the Parliament is begining now to draw their purse, many of the Devillmen being gained by moderatione," &c.

143. Letter to Sir Patrick Hume from Duncan Forbes of Culloden, also a member of the same party, dated London, 22nd August 1689. He writes that he had not seen the King but had spoken his mind to the Secretary (Melville). "Our Parliament is basely misrepresented by Tarbet, Tweddel, and folk of that giang, which gave ryse to what I meant to doe if I could have steyd. They and the English Juncto, viz., Hallifax, Denby, Shrewsbury, Nottingham, and Portland, are taking methods for breaking our Parliament, calling a new one, and reducing what is doon in our church government upon this ground, that Presbitry is not the generall inclination of the people. I solved this ridle easily already. Though the kingdome be pold anent ther oppinion as these statesmen propose, it will not cary for them, but though the major part, who are of no principle, should say, No Presbitry, it does not follow that that which no man will suffer for should be established, and that which the half of the people will dy for should be persecuted. Our Duke is a playmaker heer also. Now, dear Sir, I pray the Lord direct you in evrything, and that you may be bold I tell you that I have ground to beleeve that the King wants only right information to doe righteous things. Our Councell and I think Session also will be rectified by the advyse of honest men, and all our honest proposalls allowd off; but I pray God oppose our D[uke] and make his influence short, or els I fear all will not be right if our people in Scotland mean not to turne slaves again, which I think is not the King's meaning. I hope they will stick by the common interest as to Church and State; I wonder they have not made powerfull adresses to bafle the misrepresentations are made of them," &c.

144. Letter (address wanting, but probably to Sir Patrick Hume) by the Earl of Annandale, dated Edinburgh, 4th September 1689. "I have hear sent you the address. All the hands wee could procure were my Lord Torphichens and Rutherfoords. I could not att this

tyme have the doubles off those two letters you desired, butt by my nixt you shall have them. My Lord Morton being the onlie man off qualittie nou att London who hes subscribed this address, I think you wold take him, with annie other off our friends that ar therre, allongst with you in the deliverie off itt, but off this you will judge best when upon the place. I shall long anxiouslie until I hear from you," &c.

145. Letter to Sir Patrick Hume from Andrew Fletcher of Salton. "Edinburgh, 18th September 1689. . . . You will excuse me to tell you that I look oupon it as a veray great, a veray publick interrest that no note of reproach be laid oupon any attempt for religion or liberty, tho it did not succeed; and that I look oupon it as a veray great and veray publick interrest to assert the clame of right in its most considerable article, viz., that agenst a Popish King. Pray conjure my L. A., my L. R., and Sir J. M., Rick., Pitl., S. J. O. [Lord Annandale, Lord Rutherford, Sir James Montgomerie, Drummond of Riccarton, Dempster of Pitliver, Sir James Ogilvie], and all my other friends to joyn with you in this. For its being first discussed, in my opinion will give no bad preparative to other affairs, because you have much to say and are veray strongly founded in it," &c.

146. Letter to Sir Patrick Hume from Alexander Munro [of Bearcrofts]. Edinburgh, 24th September 1689. Chiefly about the Cameronian regiment. ". . . Sir, if ye be acquainted with the Earl of Angus, I pray you assure him that his regiment most necessarly break if they be not delivered from Blackwood and Mr. Sheils [Lawrie of Blackwood was Chamberlain to the Marquis of Douglas, and Mr. Shiels was Chaplain to the regiment]. They are worst payed of any of the forces, and they are naked, and ther heads are blown up with such notions as renders them intollerable. They are worse then ever they were every way; the reputation they gained [at Dunkeld] will quickly wanish. I hear the Earl is a discreet youth and understands his busines, and if he desires to have a regiment he most quite change the frame of this, for they refuse all subjection to discipline. They run away and returns as they please, ther owin brutish officers complies with them in all ther disorders; gentlemen are disgraced in conjunction with them, and no gentleman can bear Blackwood's arbitrary government. If the Earl hade commissions from the King for men who are worthie to be officers, he might have a good regiment in eight days' time of these same souldiers or others. Bot I fear I have insisted too long upon this subject, which I was provok't to, reflecting upon your sone's company which was sent to Cardrosse with three more. Your sone is heir and some others of the officers, who have got accompt that almost all these companies are not run away but gone away with a high hand, declaring they would serve no more untill they got ther pay for August and September, and all malignant officers were removed from them, and these are in a word all the gentlemen. I saw a letter this day from Captain Campbell, dated from Purgatorie, wishing he had gone to keep sheep when he first put himself into such company. Yet these who understands them are perswaded that if they were quite of ther beastly officers and Mr. Sheils and Blackwood, they might be very tractable souldiers, and doubtles they would be brave fellows," &c.

147. Letter, Sir Patrick Hume, Lord Polwarth, to his wife, announcing his elevation to the peerage. London, 13th January 1691.

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"My dearest, having the opportunity of so good and sure a bearer, I take the occasion to write more fully and freely to you than I have done formerly or perhaps will, unless such another occasion offer. As I desired you at parteing to do, I write nothing by the post . . .* care who sees it, and it is good you still observe that rule. . . . Since I came hither matters have gone pretty odly and across [partly thro'] the impolitick narrow methods of these who had good access . . . partly thro' differences in methods which increased, if not . . . differences betwixt the Earl of Melvill, the Master of Stair, Major-General . . . and others who sided as they affected. For my part I soon discerned [what] the consequence would be, and therefore made it my business first to approve my selfe to the King, then to prevent the growing of differences betwixt those whom I found acceptable to the King. The first I carryed to that degree that I am sure my credit is as great with him as any of theirs is, wherof I will give you instances at meeting that I will not write; but for the second, my labour was lost, yet this I gained, that they who differed enough among themselves ar all sensible that I acted a good part and ar so convinced of my sincere and prudent cariage that they acknowledge obligation to me, court my friendship, and give me great assurance of theirs. The King and the Earl of Portland know this, and profess a great sense of it, with many kind expressions. The King bids me have a litle patience and rely on his favour, for he will support me. I know very well where it stands, but will not write it plainly, only if some had seen their own business well I might by this time have been in a good post, and a short time, if the King's matters prosper, will make out this. His Majesty said a while ago that before he parted for Holland he would put a mark of his favour upon mee whereby I might know that he is resolved to support my family; I could not guess what he meant, but at Christmass he explained it and gave me a gift of pension of 400*l.* sterling by year to be doing with, as he expressed it, and a patent to be Lord Polwart, with an addition of an orange crowned in my armes. He would have made me a Viscount . . . not a step to make me sensi . . . by the Lords, but this step being so modest I think none will envie; and when the King repaires my estate, 'tis like he will not refuse what he once offered, if I desire it; and I conclude he would not have done this, especially given me a note of his family in my arms, unless he were . . to support my house, of which he gives me again renewed and positive [assurances]. For all this, my heart, when I consider the uncertainty of . . . ry things, even of life itselfe, of success in affairs especially . . . the danger of being too confident, of our most . . reckonings; and also when I consider the tottering condition of my estate by reason of my burthens in so troublesome a . . , I am obliged to hearken to the advice of my worthy friends . . to yield to it with resolution if God will, to follow it out, and seeing I am both so well esteemed and so well friended here, to gett a match for my son in this countrey, of which I am led to be somewhat confident by what I already discover in this place and by what I know of my son, his discretion and solidity of judgement. You know matches of great means ar not to be got there, and if I can here get a person of honorable birth, of sober breeding, of our own principle of religion, handsome and lovely, such as a young man may like for a bedfellow, with 10,000 or 8,000 £ sterling portion, wee need the less care for what dis-

* The blanks are caused by parts of the letter being torn away.

apointment the change of Court humour can give us, and to speake as it is, such a match cannot miss to strengthen our Court interest and make what we expect that way the more secure. My dear, I am hopefull God shall so bliss and prosper my honest and innocent design as you and I, my son, and all who wish well to us shall be satisfied in it. Therfor I desire you to discourse fully with my dear Patrick, for whom cheefely I take all my paines, and for whose welbeing any toile becomes easie to me. Tell him to order his troop as soon as possible without startling at any thing, and to be in readiness to come up to me upon my next call, on pretence among his comerads of goeing a step into Holland; I will write to Sir Thomas Livingston for a forloof to him. The great difficulty is of what we call the foot token money; this we cannot want, some way must be taken for it. I know not if Patrick's credit and yours can go far, but I think with the help of this gift of pension you may by Sir Patrick Murray's means get 400 £ sterling raised [and] that will, I hope, do our affaire. I . . . a charet and 4 horses, we must have a coachman and two footmen in livery beside Andrew to attend our chambers; wee can have our dyet in pension, lodgeing, horss meat, and stableing within 5 £ by the week; for cloathes I would have him bring what he has fine with him to make change, and a man who may ride up and be a footman when here. I and my family ar greatly beholden to our English relations, especially my Lord Devonshire and my Lady Russell; I am sure of great friendship and assistance from her. Send up a bill of 10 £ to Andrew Scot when you get this, and write a dark answer to me of this letter by the common post. I did all the service I could to Jariswood in the matter of his waird, and my paines was profitable to him. You may let him or his mother, whom I hope you visite, know it. I must tell you I have other thoughts of his pretensions to my G[rizel] than I had formerly, if our neighbour be not concerned, which perhaps you can judge of by this time. You see how closs you need to keep this letter, I pray do it. I am glad to heare that Newton behaves well, O how gladly I would have him setled in mariage with your niece G., and how I long to be home for that; if you can any way prepare such a matter, it would please me well." He encloses the warrant for his patent to be passed through the seals. "I will not take the title on till you write it is sealed, and the sooner I do it the better it is for my business. When it is done you and my daughters take your place frankely before the ladys of baronets, Lords of Session, and all inferior gentlemen, except they be the daughters of Lords, who will go before my daughters but not before you, for, as I think, earls' daughters ar not by the custome of Scotland to go before lords' ladys, albeit they do here in England, but you know how to carry with discretion. Your way of liveing need not alter a bit from what it was; you keep a page, get a footman, and when you visit in foul weather . . . call a coach as you used . . for we ar but a litle step forward of our rank from what we were before, and so much the better, yet our place is not doubtful as before and ther is an ease in that. Beside that, my house is equall now in peerage to the Dukes, who ar subjects. If the King and countreys business prosper, I am not affraid of breaking; if it do not I must breake, and as good break Lord as to break Laird, but God who has in his mercy provided for us before, I trust will do so still," &c.

148. Letter, Colonel John Hill, of Fort William, to Patrick Lord Polwarth, informing him of his dealings with the Highlanders. He was glad that the Council and Commander-in-Chief had passed from

the strict oath required. He found no oath would lead the clans to give up arms, and he had prepared an easy oath, "Never to take up armes against King William and Queen Mary and their government, nor to suffer any of their friends, men, tennents, and servants, whom they can be able to hinder, to take up arms," which oath was accepted by the Clan Cameron, many of the M'Donalds, and others. He desired to act by gentle methods, and gain as much as he could from the Highlanders at present, and keep them quiet that the King's affairs may not be interrupted. Fort William, 3rd June 1691. He adds that he had given leave to the Appin and Glencoe men to go to the Earl of Argyll, their superior, provided they do so by the 8th instant.

149. Letter, Rev. William Carstares to [Lord Polwarth]. "Giblours, 3 leagues from Namur, June 6, s. v., 1691." . . . "Our news from all hands give a prospect of a comfortable issue to this campagn as to the confederats. The disappointment of the French before Coni in Piedmont is of great advantage to the Duke of Savoy, who now it is thought can with safetie attend at Turin the arrivall of the succours of the allies which are upon their way towards him, and will it is hoped capacitat him to give the enemie battell. Coni was vigorouslie defended by French refugies (one of these haveing commanded in the place) and Vaudois, who by their opposition did shew that they were only to be overcome by force and not gold, which the French perceiving by the losse of some hundereds of their men before the place, and fearing the approach of some of the troops of Savoy did in great confusion desert the siege, leaving their sick men, much of their baggage, and some cannon behind them. The Duke of Saxonie hath past the Rhine with the confederat armie under his command, and it is said that if Caprara had timeouslie advanced the whole French infantrie had been routed. A partie of 200 horse detached by General Flemming, who commands a body near Liege, did a few days agoe surprise and defeat a partie of 400 of the enemie, killing 90, taking severall prisoners and some scores of horses. There have been designs to sett fire to Brussells and Bruges at one time in severall places, that by the confusion the French who were to have forces near might have an opportunitie to possesse themselves of those towns, but the treacherie is discovered and severall persons imprisoned upon that account. We hear that there is great consternation in the French armie, which we impute to the news from Savoy and Vienna, from whence we are in hopes to hear of the conclusion of a peace betwixt the Turk and Emperour," &c.

150. Letter, Colonel John Hill to Lord Polwarth. Fort William, 26th June 1691. "He intimates that the Earls of Breadalbane and Athole have undertaken to settle the Highlands, but that the former is not trusted by the claus, who think if he has money for them, he will find a way to keep a good part of it to himself." Colonel Hill expresses doubt of any good result from Breadalbane's proceedings.

151. Letter, Mr. Carstares to Lord Polwarth. From the "Headquarter at Court near Philipvill, 6th August 1691. . . . I hear that Lieutenant-General Douglasse is come hither this day, and if so it is probable that Broadalban is with him too. The account that I have of his, I mean the last negotiation, is not very acceptable here, and I am apt to think that what I have heard of it is true. . . . We were upon Saturday last within almost an English mylle of the French camp, and our armie stood in their view near 24 hours, but they did shew no inclination to fight, and we could not attack them in their camp but

with great disadvantage, though our King would have done it could he have persuaded his generals to be of his mind. We had all our ammunition in the greatest hazard of blowing up upon Saturday night last by the treacherous fireing of two bombs in two different waggons in which there was powder as well as bombs, and that in the very center of our ammunition waggons, but some souldiers were so stout as, after the bombs were in fire, to draw out those two waggons where they were from amongst the rest and to overturn them, which by a very mercifull Providence prevented further harm except the fireing of the [before] mentioned bombs, which, being after tapptoo, did allarm our whole camp, and we are informed that the French were in arms all that night in hope it seems of an opportunitie to attack us upon the succesee of their treacherie," &c.

152. Letter from the same. Loo, 17th September 1691. . . . "I doubt not but you have heard of the French falling upon our rear after the King had parted from the armie. The matter as I hear was thus: our armie was going from a place called Luz to another called Grammont, and had in their way a river to passe, which most of the armie had done, when the morning being foggie the enemie did, with the greatest part, if not all of their cavallerie, fall upon our reer, which consisted but of two brigads and two batallions; but though the enemie was above six to one yet our men kept their ground though hotlie charged, and the French retired upon the advance of the Earl of Marlborrough with the Brittish brigades. There are above 700 killed upon the place upon both sides. We have taken 4 standards from the enemie, and they, as is said, as many from us. Some here are surprised to hear of the accounts given in to the Councill by Sir Thomas Livingston and the Earl of Kintore concerning Broadalbin's negotiation, but it can not be well believed that a man of sense would be guiltie of such things that could not but come to light, &c." [Mr. Carstares adds to his letter the following:—"Killed on our side in the above mentioned encounter: One of the Princes of Anhalt, Count of Benthem, Brigadeer Stein, Colonel Heide, Captain Riperda, Captain Fabries, Major St. Felix—killed. Prisoners of note: Count de Lippe, prisoner, Monsr. Madourans, nephew to Marquis Monmelian. Killed on the French side: Monsr. Auger, Lievt.-General, Monsr. Lussell, Marischall de Camp, Monsr. de Villepion, Cornett des Guardes, Monsr. de Monpipan, Enseign des Guardes. Wounded and taken of the French: Major of the regiment of Merinoilie, Monsr. Villar, Commissair-Generall de Cavallerie, Monsr. Brancar, Exempt de gens d'armes. The Dutch horse have upon this occasion regained their credit."]

153. Letter, Colonel John Hill to Lord Polwarth. Fort William, 25th November 1691. "The last meetinge between my Lord Breadalbin and the Highlanders (where only Locheil, M'Laine, Keppoch, and a sonn of Glencowes appeared) hath produced nothing, for none of them did either yeild or trust him, only it is said that Locheil was in doubt whether to accept or stand out, and in that condition parted with my Lord Breadalbin, who seemes much concerned at the disappoyntment, but sayes that betwixt and the begininge of January they may have second thoughts. Hee is straightened, but seems to carry fair," &c.

154. From the same. Fort William, 14th July 1694. " . . . Wee are all in perfect peace and I hope will soe continue, and when the courts of justiciary are fixed here (which I could not yet obtaine from the Government in the commission, but at last I hope they will

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consider this, which is in the heart of all the theif holes, to be the most convenient place for frequent courts) I would soone break the neck of robbing and stealing." He complains that he cannot get a quorum of justices, and also that some whom he had named were rejected by the Government. He then proceeds, "The most of the people will, I hope (as they profess), follow my advice, and any that should doe otherwise may and shall be handled with severity, for they haue nothing now left to say for themselves (by way of excuse) for any unpeacable behauiour. I have hitherto (according to my best understanding) managed them to the greatest advantage for putting them under obedience, wherein I have all alonge had consideracion to the perplexity of affaires abroad and the unsetlednes of them at home, which, tho' men of warmer constitutions and who haue interest or revenge to gratifie have not approued, I must bear all that and more alsoe, with regard to my master's interest and the common good and publique peace, rather then to any private or passionate considerations whatsoever. My owne reason and conscience justifie me in my owne breast, and I hope shall doe soe to all good vnbyassed men. The end of all the paines that is or can be taken is to mainteyn peace, quietnes, and obedience, which is effected, all orders and commands are obeyed, the publique dues sattisfied, the levyes raised, yet all pleaseth not some men without blood or oppression. How hard was that vnhappy bussines of Glenco pressed on, to the scandall of all, and those people haue not (since I received them to the King's mercy) done the vallue of sixpence of wronge to any man, but are in all things obedient; and when the end aimed at is obtained, peace and setlement, what would any (that consult reason) haue me to doe more? I have troubled your Lordship with too large a discourse, but the many discourses I have heard of sending to invallidate my endeavours, which (I blesse God) are gouerned by a principall that I hope will never fail me. I am content to bear all, and the more cheirfully since I know my master approues me, and had I not knowne better what I haue doeing, then those who censure for what they know not I might haue giuen but a lame account of my trust," &c.

155. Letter, Rev. William Carstares to Lord Polwarth, from "the King's quarters at Mont St. Andre, Agust 2, 1694." He expresses much friendship for and desire to serve Lord Polwarth. Of the war he says, "We have been in this place three weeks, wherein nothing of great moment hath occurred. There hath been takeing of horses upon both sides, but with much greater disadvantage to the French than to us, for Thursday last the troops we have at Liege sent out a partie and took 500 horses from the enemie, and since that time 16 of our Spanish Dragoons went afoot, but with their arms, over the Maes and first took 16 horses, and haveing mounted them went and took the advantage of the French fourragers when they were comeing with their fourrage through a narrow way where only one man could passe at a time. They brought off 50 troopers with their horses," &c.

156. Letter from the Master of Polwarth to his father. "From the camp betwixt Audenare and Gant, Agust $\frac{29}{10}$, 1694." That it was impossible for him to write oftener than he had done, for "thes ten days our regement has been guard upon the great gunns which took another way then the army, and all this while we have been marching, and at last our designe lost, and our campagne at an end in all apearence, and action this year is not only improbable but impossible. I shall now give you a short account of all the designes: the first of the

campagne was to secure Lidge and Mastricht from insult, for they durst not pretend a seadge ; after to keep them [the French] so in as to make them (by destroying furrage) be necesitate to furrage in their own country, and we in countrys that are always under contribution to them, which now we do. But the great designe was (which we have mist) by long and quick marches to have past the Schelde at a place they call Pont-de-piere, where we would have been within the lines, and then the seadge of Dunkirk, or at least of Ipre, which, if taken, would have starved the other and have closed the campagne. We lost the occasion by on day's halt and want of intelligence, for La Vallette was not two houres at the pass before our vantguard, with troops drawn out of garisons. We did not know but they were the great army, which was not come up then, but that same night all the horse came verry much fatigued, and all the foot left behind, which now come stragling up every day. If we had attacked La Vallette I do not question but we might have caryed the pass, but it would have been with the loss of ten thousand men. We are now here 120,000 men, effective and in winder-full good condition. The French are much inferiour, and in verry bad condition, both army and country, this I can assieure you, but do always intrench so strongly that ther is no meddleing with them, and the lines are now covered with all the force they have. We hear that the English fleet are before Dunkirk expecting us, but that is over. Now to give you a particular account of our marche: the $\frac{8}{15}$ from St. Andrew to Sonbreff where we lay the $\frac{9}{19}$; ther your old freind Sandy Dundas had the misfortune to kill my Collonel's own cornet, one Conway, in a duel. The poor body was forced to it and is yet out of the way. The $\frac{10}{20}$ we marched thorow the planes of Fleur to Nivel or Genap; the $\frac{11}{21}$ to Soigny or planes of Campbrun; the $\frac{12}{22}$ closs by Aith to Shevren; the $\frac{13}{23}$, Lusa; the $\frac{14}{24}$ the army came to the pass and encamped wher they [the French] cannonaded the King's quarters. Ther came over a collonel of the French to ask wher the King's quarters was that there might be no shooting that way. The King's answere was, 'Mon quartiere est par tout qu'ils tirez ou ils voulez.' From thence the army marched hither, where our regement joined them with the great gunns; we may lay here some few days and then we shall take the camp of Diense wher we shall lay till the camp breack up, &c."

157. Letter from the same. "Dessenberg, near Gant, October $\frac{21}{31}$, 1694." Chiefly informing his father that his horses had been carried off by the enemy. "As soon as we are settled in our quarters, I resolve to go for Utrecht to see my brothers; I could never yet have leisure to see, but have frequently writt to them. My sister writts to me that they spend money; I shall see and give you account how they pass their time, but am afraid that Utrecht is not a place for them to study. Besids that it is a dear hole, there is to much company in it, especially Scots. Now when they are seasoned in the country Franaquer were a better place for them in my opinion."

158. Letter, George Baillie of Jerviswood to Lord Polwarth, from London, November 8th 1694. "The King not being come over thers little newse, only we come now to know the designes of Staires and that gang quhich are to offer to the King a cess during life, and, if this Parliament refuse it, to advise him to call another. This I know will take because the King is bent upon it, and in a manner lookes upon it as a point of honor to have what his predecessor had, and if we would give a million from year to year he will not value it unlesse the vther

be done. This will certainly be this winter's struggle. We have therfor to consider whether we our selves will do the thing or suffer it to be done by vthers, and so loose the King altogether. Your Lordship would therfor meet with some honest men of the Parliament and try whether or not they will give the King five moneths cesse during life, providing the King will, before it be done, turne out all the knaves and put honest men into the Government. This would be done quickly that the Secretary [Johnstone] may know what to say to the King, for tho ye find that this Parliament will consent to the thing it must be expressly told the King that they will do it only upon the termes above mentioned, and it is fit the Secretary should know whither it will be got done or not. All I can say in the thing that turne to what hand we will, it will in probability bring ruine to honest men; refuse it, we loose the King, and the vther people will have him intirely; grant it, adieu Parliaments, and perhaps the King will not turne out knaves in expectation that this Parliament will do the businesse, and so there will be ane end of this Parliament, or if they do it at all I hope it shall be upon terms. There will be the same work here about the revenew quhich is now out and quhich the King designes to have settled during life; it's true it differs from our case," &c.

159. Letter from the Master of Polwarth to his father. "Brussell, Nov. 10th/Oct. 29th, 1694." ". . . I am extraordinary well and upon my travels to see all this country. This place is on of the pleasentest ever I was in, wher you may have all the divertisements you can have at Paris,—comedie, opera, bals, assemblees, accadamie, in short, I have a great mind to spend all the carnaval here, especially if the Electoress comes here before that, but am sumwhat unwilling to be at the expence it must cost me, yet I resolve to see as much as I can this winter and next summer, for I know verry well if I were once at home againe, adieu travels and rambles. Pollock and I are together; he is to be home this winter. I have bought and shall send with him some muffs, on for my mother and three for my sisters," &c.

160. George Baillie of Jerviswood to Lord Polwarth, from London, 13th November 1694, informing him that the King had called up the Chancellor [Marquis of Tweeddale] and the Secretary [Johnstone] "hopes ye will pairt weil with him and cause the Presbeterians do the like." This calling up of the Chancellor "was ordered by the King without asking the Master of Staires' advice tho it be his waiting, quhich does not a little vex them."

161. James Johnstone, Secretary of State to Lord Polwarth, 4th December 1694. ". . . You mistake the state of the question, it's not if a cesse during lyfe should be given or not, but whether knaves or honest men should have the merit of giving of it? You will say knaves cannot give it; believe me for once, if what they ask be graunted them I verrily believe they can. I am sure upon such a supposition it's practicable," &c.

162. George Baillie of Jerviswood to Lord Polwarth. London, 12th January 1695. The writer wishes his Lordship would come to town, as some people are attributing his long stay in the country to dissatisfaction and discontent, and he thinks no opportunity for calumny should be given. Such people "neglect no means to attaine their end, and I have too good ground to believe they have prevailed to far with Mr. Carstaires, and by him upon Mr. Dunlop, thinking by them to gaine

foolish and credulous people of that partie to their owne side and so support their interest under the notion of Presbeterian, tho that be least in their intentiones. I wish there either had been ythers commissioners sent from the kirk or none at all, for Staires, Linlithgow, Carstaires, and Dunlap, and Doctor Lisk have frequent meetings, as I can judge for no good end, and if it be to make the termes of joyning with our church more easie, why should not that have been proposed to be done rather by such who have always minded their interest then by such who have always opposed it. To me, Carstaires intimacy with those of that gang is ground of jealousie that matters are likely to go to right with them, for he must be meddling and rather then lie out will joyne with any body; and tho he and Dunlap hes been spoke to by severall honest men, yet they persist in their intimacies, perhaps because they have gone so far that thay cannot retreat, but still denying any ill designe quhich, if true, they must be great fools, for at their arrivall heer and that before ever they see my friend they and Carstaires dined with Staires and discovered all their businesse to him quhich he underhand told to the Bishop of London that he might be prepared to bespeak the King. I thought it necessary to give your Lordship this account that ye may do what ye think proper to prevent Carstaires deceiving weil meaning people by joyning them to Staires and so strengthen that partie. Ye will be able to judge by some peoples' inclinations there what reality is in this I write, but I am certaine if there carriage be not knavish it is foolish and cannot but give ground of jealousie to honest people. However, let not me be knowen in this nor all the particular grownds of my jealousie only in generall, that there cariadge is such as gives ground of suspition for this there manadgement they do not owne openly only in so far that they are oblidged to returne civilities for civilities; what I know I write, quhich I hope shall go no further, &c." [The concluding portion of the letter shows that the writer had just learned, after the preceding was written, that Lord Polwarth had arrived in London.]

163. Letter, the Master of Polwarth to his father, dated at "Fluzen, near Ghent, February $\frac{1}{2}\frac{6}{8}$, 1695." He does not wish to press the question of leave so soon after the death of the Queen, but he hopes to be in Scotland by the end of the next harvest. "My brother Sandy came up here just the beginning of the frost and hes been storme stedd here since; I never see so great and long a storme. Andrew last post writt us word of your calling them home; I resolve to see them aboard, but ther will be no sturring till all the ice be gone. I am verry glad at the resolution you have taken to call them home, for they have had colledges eneugh to make them able if they please to study by themselves. I wish your Lordship would cause lay all the law books apart for their use. If they be allowed the Bible no other book but what is law should come in their hands. Playbooks and romances are dangerous; Parergon's Mathematicks itselfe is but a pretence to gaine idleness. History is usfull but dangerous to put in their hands, at least for a year, by that time they will come to be taken with reading law, otherways they may come to be to much upon history and neglect the other, which is not so diverting. My Lord, this were arrogant in me to pretend to advise your Lordship about my brothers; I only tell you what I have found in my own experience, and what dangers I would avoid if I were to begin studying. Besids, I find Sandy (tho I do not question you will be verry well pleased when you see him) hes bred himselfe as much gentleman as student; he has read a great dale, but I think his learning is a little too much upon the universale. He is a pritty good

musitian and plays well upon the flute, which I am glad off, it is a pleasant and innocent divertisement and much properer for a student nor either hunting or halking," &c. The writer then refers to the difficulties and expense in the way of getting recruits.

164. Letter, Mr. Robert Pringle to Lord Polwarth, dated London, 10th April 1695, announcing his appointment to "the office of Sub-Secretar," with orders to attend the King in Flanders. He thanks Lord Polwarth for his share in procuring the appointment for him. His chief opponent was Mr. Carstares who supported a Mr. Stevenson. Mr. Pringle begs for a letter in his favour to Lord Portland.

165. Letter from the same to Lord Polwarth, from the "Camp before Namur, July 24, N. St., 95." A long letter stating generally that the proceedings of the Parliament of Scotland were not wholly pleasing to the King. The King's displeasure related to the manner of voting the supply, and he was also "much dissatisfied with the imprisonment of the Earl of Broadalbin and with the orders for his impeachment without preacquainting him [the King]. If the Parliament had had the affair of Glencoe under their cognisance, and so from the depositions taken in that matter had proceided against the Earl, it would then have been easie to these who are now blamed to have laid it upon the Parliament, as perhaps it could not have been in there power to prevent it, but these depositions having been taken before these onlie who are thought to know the Kinge's mind, there was no obligation on them to lay them before the Parliament which occasioned what hes hapned, at least before they had done it they might have acquainted the King, especiallie since the articles which are the ground of the accusation hes been known these years and had been sent by the Councill to the King, which he hes owned, and all this time neither by him nor them the least motion of a process upon that head, so that I doubt not but the King looks upon that proceiding against the Earl as a meer design of the managers to force him to that which they could not persuade him to. . . . What hes fallen out since are but as so many steps to confirm the King in his mind, the communicating the affair of Glencoe to the Parliament without his knowledge, when by the nature of the commission the report was to be made to himself only, the votes that hes passed since and particularlie that vote whereby it was carryed that they should proceed without addressing are all lookt upon as one piece, but nothing worse than the Parliaments sitting after the time allowed by the King without an order . . . In my discourse with my Lord Portland I endeavoured as much as I could to justifie those persons I found most blamed, but I was extreamlie surprised to find him so much prejudged against some of them particularlie the Secretar of whom he complained very sore and in bitter termes." . . . My Lord Glenorchie and the Master of Stairs hes been here these three weeks. I doe beleive the last hes as yet had very litle converse with the King . . . but I believe will wait the resolutions of Parliament as to his part of the affair of Glencoe with which I beleive he is not so concerned as he hes been," &c.

166. Colonel John Hill to Lord Polwarth, Fort William, 22nd March 1696. ". . . . My Lord, I obtained from the Kinge a grant of thirtie pounds sterling per annum out of the bishops rents for the maintenance of a schoolmaster in this place, which is of great use to breed the Highland gentlemen's sonnes to learninge bothe language and principles of the Protestant Religeon (as my major will further acquaint

your lordship), but wee finde itt difficult to get any parte of it payd, by which defect the scholl will be in hassard to breake up which were great pittie, and therefore I humbly pray your lordships favour in makeinge the payment more easie and certain," &c.

167. Letter, Mr. Alexander Home, to Lord Polwarth. Edinburgh, 28th October 1693, in reference, *inter alia*, to a gown for him as an extraordinary lord of session. ". . . . I cannot think at present of any goune for your lordship, if it be not the D[uke] of Lauderdailles. If it be in the young countess her custodie I know you may command it, and I will know that on Tuesday next, God willing, for she is in this toune. The persone I am to send to her will not ingadge to goe sooner, because the sacrament is to be given here to-morrow, and Munday will be a preaching day. The late Argyles was sold be his sone Charles to my Lord Strathmoir. I can think of noe other for the Register, Sir Archbald Primerose, his goune, was only a clerk's goune with something beyond the ordinarie clerks, but will not suit with your lordship as ane extraordinarie lord."

Another letter from the same writer, on 3rd November 1693, says, ... "I have spoken with Jerviswood anent your goune, and he had thought vpon the Earle of Kincardins, but Queensburie got that when he was made ane extraordinarie lord. James Hay hes written this day to Blair-Drummond to know what is become of the Earle of Perths; if it be not disposed vpon (quhich I can not beleeve) I can make your lordship sure of it, and I will get the answer next week. I have not got ane accompt as yet what became of Lauderdales, but I hop to have it to-morrow," &c.

168. Letter, John Murray, Earl of Tullibardine to Lord Polwarth, Chancellor of Scotland. Whitehall, 19th December 1696. ". . . . On Tuesday last the King called me into his closett where I was above an hour, and gave him a full accompt of the proceedings in Parliament, but before I began he told me he was very sensible of the good services I had done him, and when I was going out he repeated the same and gave me many thanks for what I had done. You may be sure I coud not give an accompt of the Parliament without telling the great shaire you had in his service, besides, he askt how you caried as Chancelor. My answer was, that if his Maiestie were yett to choose he coud not have choosed one that was fitter for itt. I have also acquainted his Maiestie with your lordships zeale and diligence at this time and the unanimity and concurrence you have of the Duke of Queensberrie and others in the Councill . . . I am very glad you agree so very well with the Duke of Queensberrie and Argile; I wish it may continue; the first is not behind with you in writing very kindly of you. You have writt nothing of the meeting of the Generall Assembly, which was adjourned to the 2nd of January, which being just a yeare since the last adjournment, I thought it was proper to advise the King to allow them to meet tho' it were for a very few dayes, and then they might be adjourned to a short and more convenient time; so I believe the King will doe so, tho he is not inclined they shoud meet in the time of the English Parliament. My Lord Carmichel must be the Commissioner, who I hope will not decline itt at this time, since I am confident the ministers will considder so much theire own interrest as not to give the King any uneasines by theire proceedings," &c. [A long letter, but not specially important.]

169. Letter, Mr. Robert Pringle, Under Secretary of State, to Lord Polwarth. Whitehall, 4th January 1697, ". . . . Whilst I write

to your lordship, Whythall is in flames and a verie dismal sight; the fire broke out about 3 in the afternoon, and hes alreadie consumed all the royal lodgings both on the water and privie garden, so that I think there is litle of it left but the banqueting houss," &c. [This letter is properly of date 4th January 1698. *See infra.*]

170. Letter, John, Earl of Tullibardine, to Lord Polwarth. Whitehall, 19th January 1697. Asking for a report from the Privy Council of Scotland, with information as to the privileges enjoyed by the Scottish nation in France, that instructions may be given to the English plenipotentiaries for the treaty. "They still make a noyse here about Aikenhead, but it is either those that have litle of religion themselves, or would fain have something to find fault with in our actings, because they cannot find anything materiall; but, as I wrote, it has been ane ommission that I was not acquainted with the particulars of his tryall and other circumstances of it, which the sollicitor ought to have given me. I would be satisfied to know what age he was of. Your lordship will see in the prints (particularly in the "Postboy" and "Postman") that they would aggravate the business. I cannot yet make them give account of their correspondents in Scotland, but it seems they are none of our freinds," &c.

171. Letter, the Rev. William Carstares to Lord Polwarth. London, 21st January 1697. "There is little of moment passeth here. Sir John Fenwick dies upon Saturday. Earl Monmouth continues still in the Tower. There is nothing like a breach betwixt our Secretaries [which had been reported] . . . . There is no appearance of changes as to persons at present in trust where your lordship is, nor doe I hear that the King hath the least inclination to alterations. . . . . I shall presume in a post or two to send your lordship a cypher [*see* No. 135 *supra*] and then shall write fullie as anything occurres," &c.

172. Letter, addressed "To Mr. John Spreull, merchant in Glasgow, Scotland" (Collector of the Relief Fund for captives in Barbary). "Sir, This is now the 2nd I have since my dismall captivity, and since the reception of your charitable supply of 6 per $\frac{8}{8}$ sent to testifie my thankfulnes, and present my humble and hearty respects to you, praying God sincerely to remunerate you for your great kindness in contributing so graciously to the preserving of our perishing and decayed bodys alive which hitherto ye have in a great measure done. I need not, I think, neither can I sufficiently express the misery we poor captives daily undergoe, the weariness, cold, hunger, hard work, and the incessant labour with continuall blowes, minutely almost, received from the hands of bloody, merciless, savage and cruell Moors and Negroes who are our rigide and severe drivers and taskmasters. We were 12 in number about a year agoe, transported from Macquanes [Mekines], the seat of his tyrannicall Majesty, to Thetiwan [Tetuan], some 5 or 6 dayes journey northward, and on day from Tangier eastward, on the Straights, where we are employed in the service and assistance of a Turk who hath here erected a boom house, and maks mortar pieces and booms. Our work is hard and most untimely, nights maney times, so well as dayes, and our allowance is a black cake of barley bread which dogs will hardly eat, and water; nothing allowed us for cloaths, and our lodging a deep dungeon, wher about 100 Moors, murderers, and other malefactors, make it ther recreation to plague and torment us, so that truly Egyptian bondage while in its vigor was far incomparable to our captivity in its extremity, and no charity in the world greater then wha

is given to poor slaves. I shall adde at presentt no more but my hearty thank and resentments for all received favours, with my respects to yourself and family, wishing you all health, happines, and success. I remain ever, Sir, your humble and deeply oblidged tho nou distressed servant, James Germany.

Thitiwan, in Barbary, January 26th 169$\frac{6}{7}$. Pray Sir, present my love to Ja. Montgomery, his wife, and family. Cuthbert Glass, who is here also, presents his respects unto you. Our mate is escaped and gott his liberty, and William Akine and John Crawford are dead, and nou we are reduced to the number of 6 here and Fes."

173. Letter to Lord Polwarth from John [Paterson], Bishop of Glasgow. Edinburgh, 16th March 1697. That he cheerfully submits to the sentence of the Privy Council. He desires the Chancellor to procure for him "either the libertie of the shyre of Fife in generall, or at least ten myles arround Coupar there, which I earnestlie desire not for my owne personall ease, but for my numerous familie; that so I might the more convenientlie setle it in some litle towne or house in the east corner of Fife, neer the seashore, whither I might be able to transport it from this citie by water, and so at the less charge. I designe to live out of all roads that I may give the less offence or umbrage to such as may look on me as a pragmatique man, and Coupar is in the high road from north to south, where I desire not to live if I can avoyd it." The writer concludes by requesting that he may not be required to go to the place of his confinement till Whitsunday, that he may provide a house for himself and family.

174. Letter, the Earl of Tullibardine to Lord Polwarth. Kensington, 20th March [1697]. Regretting that Lord Polwarth is not coming to Court as was proposed. "I shall speake againe of your title when my month comes, if you doe not writte to Sir James [Ogilvie] to doe it before. But I wish you woud choose some other title then Berwickshire, for the toun belonging to England, tho the shire does not, perhaps the King may scruple at it, being extreme nice in what concerns England. I am very ill satisfied with any that caries or speaks disrespectfully to your lordship whatever hand it comes from. As for the Justice Clerk [Adam Cockburn of Ormiston], I am sensible he is very hott, and I both have, and if I were with him its like, woud differ often in measures, and all the opinion I have of him is that he is very firm to the present establishment, and I belive will not tell a falshood. As for his being my frend, I cannot say much more then that I belive he prefers me to some others. But its plaine that since nether your lordship or I doe engadge in parties we are not so well liked by ether, and that we have a hard task how to carie when theire heates grow high, but I am snre we both follow that which we judge is right and reasonable, which I doupt not will cary us thro whatever uneasines or envie we meet with," &c.

175. Letter, James Johnstone (some time Secretary of State) to Lord Polwarth. London, 17th March 1697. "The opportunity of bearers is but rare, and I only hear which makes me not writ. Besides, my conversation is amongst the English, where I doe you what service I can when there is occasion for it, as there was lately about the businesse of Aikenhead, which I coloured to the English as much as I could, tho I own to our Scotch I frankly disapproved of it. I can make noe other jugement of our affaires, but that they will goe on as they are till a peace, or towards a session of Parliament which its like

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the king will hold himself in case of a peace. The king thinks a peace certain in case he can have money to get the army in the field in good order and in due tyme. My Lord Shrewsbury is now mightily in favour, and there is a verry good understanding betwixt him and my Lord Sunderland, so the secret and weight of the Administration is wholly in them two, and I am told the king will doe verry popular things when the peace coms. The bishop of Salisbury is of great use in the House of Lords, and is at present more in favour with the king than ever he was, or ever I thought should have been," &c.

176. Letter, the Earl of Tullibardine to Lord Polwarth, Kensington, 30th March [1697]. " . . . . I find we have, and I hope alwayes shall agree in our publick measures, and I'le assure you without compliment I have as good opinion of your sincerity and way of acting as yourself can wish, for I am perswaded that to doe right and justice without respect of persons or parties is your desire and aime, and with God's assistance it shall be mine," &c.

177. Letter, Mr. James Johnstone to Lord Polwarth. London, 1st April 1697. " You doe me great justice in not believing of me what has been told you. As to the government I absolutely abstain from medling, in so much that I have not written to nor heard from some of those with you in Scotland, whom you reckon my best friends, these six moneths, and its not verry credible that I who have been Secretary will be a litle agent. As to talking, I have said nothing since I was out but what I said when I was in, and if then I did not designe to reflect on myself, I cannot nou be supposed to reflect on you or some others whom I alwyse agreed with. I live well with both secretaries here, which could not be if some men's tattle was true. The truth is I have the same thoughts of men and things that I ever had, and of which my mind is well known to you." He claims that Lord Polwarth owes him a debt for service, and proceeds, " The occasion of what is said is my speech to your friends against the businesse of Aikenhead, and your share in it, but it was to your friends, and Scotch ones. To the English ones I made the best defence I could. In short, that man's life might be taken by all laws, both of God and man ; but every thing that is lawfull is not expedient, and as the Presbiterians are stated here they could not have given themselves a greater blow. I say not in the opinion of libertins but of the body of this nation. A wyfe thats jealoused most shun even the most innocent appearances. They are accused by their enemies of a bitter persecuting spirit and suspected by their friends of it. The libells and clamour of the outed clergy have hightened those thoughts of them so the least appearances passe for a proof even amongst their friends. Should I tell you matter of fact you could not believe it. The wisdom of the serpent is recommended as well as the innocency of the dove. So as to witches that there may be such I have noe doubt, nor never had, it is a matter of fact that I was never judge of. But the parliaments of France and other judicatories who are perswaded of the being of witches never try them nou because of the experience they have had that its impossible to distinguish possession from nature in disorder, and they chuse rather to let the guilty escape than to punish the innocent. If indeed there be malifics, they punish those malifics according to the laws and the nature of them, without respect to the principalls whence they proceed," &c.

178. Letter, Sir James Ogilvie, Secretary of State, to Lord Polwarth. Whitehall, 1st April 1697. " I have gott a memoriall from Sir

William Turnbull, the Secretary of State, concerning tuo Scottsmen Mrs. Hunter and Chapman, who it seems were both concerned and confederats with Rottar, who hes stollen some of the dies for coyneing out of the Tower. It is informed that these tuo are fled to Scotland and are sheltered in the Minthouse." The king wished them to be seized and sent to London to be tried. After referring to Sir George Hamilton's appointment as commissary of the army, he says, "Mr. Johnstoun hes gott a letter for 4,000*lib.* sterling out of the compositions to be given for the renewing the leasses of the Bishops teinds. . . . The king did promise to provide for him a litle after he removed him from being Secretary, and by this he has fullfilled his promise. . . . The laird of Kailburn is put both upon the Councell and Exchequer; he's a verie understanding man and will be usefull," &c.

179. Letter, Kenneth, Earl of Seaforth, to Lord Polwarth, dated 2nd April 1697. Thanking him for his favours, which Lord Polwarth will have no reason to regret. "I am sory Colonell Hills orders concerning me provs a mistake, however I hope by your lordships means it will wrong nither of us, and for my being some time at my own hous it was after my surender at Inverness, and by the comanders allouance on his being secure of me on the least call by reason of my health ther being no good acomodation ther, and my hous within half ane hours sailing of it, so that it hade been sever to obstruct my liberty on that account," &c.

180. Letter from Sir James Ogilvie to Lord Polwarth. Whitehall, 6th April 1697. " . . . As for the Earl of Seaforth, I think his captan ought not to have aloued him to be att libertie without your lordship or the councels alouence, bot you will certanlie take wayes to know hou he came to doe it. . . . the Bishop of Glasgows confynment might have been to some place yet more retyred then Couper, it being on the hy rod from the north, bot I am affraied if it be altered, he will carie it to be some place yet worse, so it is better to hold it as it is," &c.

181. Letter to Lord Polwarth from Sir James Steuart, Lord Advocate. Edinburgh, 10th April 1697. "Baillie Broun brings me one Alexander Waddel, merchant in this town, whom he attests to be an honest man, and Alexander sayes that yesterday at the toun of Paintland he was told by an honest man that the Papists have had great meetings and feastings at and about Roslin since Sunday last, Pasch day, and that they have had a preist lodged neirby all this weak, and they ar to have high mass to-morrou the eleventh instant about the sun rising at Roslin house. My Lord, I think Sheriff Calderwood may be ordered to goe and sease this preist and take notice of these meeters for the concern of the government, and that my lord Teviot may order him the assistance of a partie necessarie to be conveyed there as secretly and justly as can be contrived," &c.

182. Letter, Mr. Robert Pringle, Under Secretary of State, to Lord Polwarth. Whitehall, 15th April 1697. " . . . I wrote in on of mine to your lordship that my Lord Tullibardin was not satisfied with Kelburns being made on of the Councel and Exchequer, but I find now he hes pushed his resentment too farr; for after the king had signed the letters he wrote to the king dissuading him from it, and representing Kelburn as a person verie unfitt for these trusts and giving him such a character, as if true must have reflected much upon Sir James

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[Ogilvie] who recommended him. This the king was dissatisfied with and exprest himself not much to Tullibardin's advantage for being too readie to give such characters of these who are not of his pairtie, and I beleive took wayes to lett Sir James know what the other had writt, which made him the more readie to justifie his recommendation to the king when upon Tuesday last he called them both before him. At their first comming in he told them that he was not willing to think of being anie more troubled with such differences as was betwixt the Master of Stairs and Mr. Johnston, and that he would recommend it to them to avoid them; that he had no sooner signed a letter naming Kelburn a Councellor, but he receaved on from my Lord Tullibardin as if the whole happiness and weelfare of the nation had depended upon it. Tullibardin was not a little surprised with this and began to recede a litle from what he had writt. Sir James took occasion to justifie what he had done, and after some debates the king told them he would have no more of it, that he would not retract what he had done. After they left the king and had reasoned a litle betwixt themselves before my Lord Selkirk, there was a seeming reconciliation made and they carry non to on another as formerlie. What I have here writt is knoun to verie feu, and perhaps the Secretars will think it there interest it should be concealed and which, though I knou it needless I must presume to desire your lordship not to notice to anie. I thought it my ducty to acquaint your lordship with it, that you may the better judge hou the king is affected to those that serve him," &c.

183. Letter, the Earl of Tullibardine to Lord Polwarth, Kensington, 24th April 1697. Announcing the signing of his patent as Earl of Marchmont.

184. Letter, Colonel John Hill to [the Earl of Marchmont], Fort William, 26th April 1697. Sending "my Lord Seaforts bond perfected in forme according to the king's letter, wherin are cationers the lairds of Brodie and Culloden with most of the earles most considerable freinds; as alsoe Locheiles bond of 500*li.* sterling, Sir Hugh Campbell of Calder, cationer, and shall send Glengary's hou soone I get it. They desire to have up their former bonds. Those in Mull were (according to the Councells order) liberat by my Lord Argyll who tooke bonds of them. The new prisoners in Mull of whom I gave your lordship an account in my last, I desire your pleasure concerninge them. I enclosed the bonds to Sir Gilbert Elliot, clerke of the Councell, as the order required. All is here in perfect peace; only some are stealinge to prevent starvinge, seueralls have dyed of want not far from here," &c.

185. Letter, William Earl of Annandale [address and place of writing wanting], 28th April [1697?]. " . . . I can give you verrie little from thiss, our newes must come from you. I pray God they may be good and acceptable to the nation, for thiss poor cuntrey had much need off encouragement under the circumstances they are like to be in. Never greater appearance off severitie and want, for heare is the severest, coldest, unkindliest season that ever has been seen," &c.

186. Letter, apparently to the Earl of Marchmont, from Hew Cathcart of Carleton. Ayr, 1st June 1697. Informing the Chancellor of a complaint to the Ayrshire Commissioners of Supply by Hugh Fergusson of Finnarts, in the parish of Ballantrae, in the mouth of Lochryan on the borders of Galloway. "a place much haunted by privateires" giving an account "of ane cruell and barborous treatment he mett with, from

a French privateir, who come in to that place vpon Sunday last. They stripped himself naked, beat and wounded him, took him prisoner, tyed him naked as he wes, threatned to carie him to France, pilladged and robbed his house, and left him nothing therin, no, not soe much as ane cloath to wrap his poor youug children in, left nothing about the house, but vsed severall wther acts of crueltie to himself, his wyfe and familie," &c.

187. Letter from the Earl of Portland to the Earl of Marchmont. "Du Camp de Cockelsberg, ce $\frac{15}{25}$ juyllet. Monsieur, Jay receu l'honneur de la vostre du $\frac{1}{11}$ de ce mois avec la copie de la lettre que vous escrivez au Roy touchant ladresse de la Compagnie Afrique d'Escosse. Cette affaire est embarrassante et vous verrez par les ordres aus secretaires d'Etat quil sera difficile de rien determiner sur ce subjet devant que sa Majeste retourne en Angleterre. Elle est cependant fort satisfaitte de la conduitte que vous i avez tenu, dans laquelle elle souhaitte que vous continuiez pour empecher que cela ne soit pas pousse trop loin et que malvoeuillants ne se servent pas de cette occasion pour aliener les coeurs des bons subjects et serviteurs du Roy." The writer further states he will be glad to serve the earl's son in obtaining for him leave to quit the army and go home to be married.

188. Declaration by "Hector Aiton, printer, servitor to Mistress Anderson, his Majesty's printer," dated at Edinburgh, 2nd August 1697, that he had "receaved a paper from Mr. Roderick Mackkenzie, called a memoriall to the citey of Hamburg concerning the Scots African Company, and [he] desired me to print and publish the same; and that I went with the said paper to his Majesty's Advocatt to procure a licence for the printing of it, and accordingly he took the paper out of my hand and read some lines of it and desired me to print it, and said that he would hinder nothing to be printed relating to that Company, and their own authority was sufficient."

189. Letter to the Earl of Marchmont by Mr. William Vetch, minister of Dumfries. 21st September 1697. Complaining of the conduct of a company of foot soldiers then in Dumfries. "The Captain Bailie and his lievtenant the very first night went up to the prisoner Pettincreife, and the scum of the place with them, some of them that were before the cownsel, and drank till 12 at night, and went sadly to their lodgings; and so they hold on daylie, sometymes with the Papists invited to feasting and drinking, sometymes with the greatest Jacobites or both together, and this is there trade. They haunt with non thats sober, and for the government; and they come not to church, and they have brought no money for the souldiers, bot old 40 peny peices quhich occasiones great troble, they not being currant in this countrey." The writer presses for the removal of the company.

190. Letter to the same from "Archibald Mure," Edinburgh, 22nd September 1697, who informs the Chancellor that he had received from the Ministers and Magistrates of Edinburgh a list of the "Popish families" residing there, and he now waits further instructions. He further states that on the previous Saturday there were ringing of bells and illuminations in honour of the conclusion of peace. [The writer of this letter appears to be Sir Archibald Mure of Thornton, Fife, then Provost of Edinburgh.]

191. Letter to the same from Sir James Ogilvie, Whitehall, 23rd September 1697. " . . . My Lord Tullibardine informs me

that he has writne to your lordship to prosecut that affair of Ockons. I doe join my desire in that mater. What usage he hes mett with is noture, and tho you have no legal proofe that it was done by the Earle of Seaforth's order, yet you have what is convinceing, for the barbaritie has been committed within my Lords lands, and none durst use such practices ther without his order; and the cause of al is weal knowen, his turning Protestant and marrying ane relation of my lords. Therfor in justice my lord ought to be imprisoned if he doe not present him." The writer suggests that Lord Seaforth should be charged on his bond to appear, and warned of his hazard if he failed to produce "Ockon."

192. Letter, Sir James Ogilvie to the Earl of Marchmont, from Whitehall, 30th September 1697. Thanking the Chancellor for his success in preventing a mutiny designed at Berwick. Also sending the deposition and bond of presentation of a man named Ogilvie, a merchant in Edinburgh, who had been in France. On a former occasion he had asked a pass from the Secretary to go to Holland, and returned with the boat bringing the news of the peace. In an interview, however, with the Secretary, he inadvertently admitted having been in France. He was then told his life might be forfeited, and he was severely examined by both Secretaries of State, but apparently without much result.

193. Letter, the Same to the Same. Whitehall, 9th October 1697. " . . . I doe not hear that the king is expected sooner then the midle of November. Ther is on Barklay hier, who is sone of Sir Robert Barklays of Pearstoun, who was taken in a Swedish ship comeing from France. He sayes he was only at Burdeaux, and that Robert Watson, merchant in Edinburgh by indenture, was obleiged to send him to France. He is now verie earnest with my Lord Tullibardine and me to procure his liberation (he being at present in the messingers hands), and he is willing to find baile in the usuall forme. We have lykewayes Arbuthnet and Hay heir, whose circumstances your lordship knowes . . . I ame informed also that the inteir crew of the shipe that brought over Arbuthnet and Hay are as yet detained prisoners. Your lordship shall be aquanted with what we doe concerning all these, and if his Majestie were returned I shall endeavor to knoue his commands as to what is to be done with all those hes bein in France. I ame sure ther are aboundance of them, and it would have bein more proper to have prosecute them in the time of warr then nou, bot the Government hes bein hithertoe verie merciefull," &c.

194. Letter to the Earl of Marchmont from Sir James Steuart, Lord Advocate. Edinburgh, 18th October 1697. "May it please your Lordship, I send you a parcel of letters, that no doubt will be verie surprising. I receaved them just nou, and have not heard of a more insolent action, and so oppenly avoued by the verie actors. I shall be glad that my ladies capitulation free the gentlemen from their captivity, but it is impossible the Government can pass such an insult. I hear my lady is concerned for her brother and my Lord Saltoun, for thir wicked men sueer that if they be not indemnified they will burn them quick; but, my lord, I will offer no advise on the suddain, only wishes the gentlemen prisoners were in safty, and then I should think that the honour and interest of the Government should be vindicat. At any rate I intend to give no ansuer to Colonel Hill till I hear from your Lordship." [This is the first letter in the Marchmont Charter chest relating to an episode which excited much sensation at the time, namely, the outrage committed by Simon Fraser of Beaufort upon the elder Baroness

Lovat, and his violent seizure of her brother and Lord Saltoun. The letters referred to included, besides a despatch from Colonel Hill, a letter from Simon Fraser himself, giving from his own point of view an account of his capture of Lord Saltoun. A copy of this letter will be found on pp. 56–58 of Part VIII. of the twelfth report of the Commissioners on the Muniments of the Duke of Athole. There are in the present collection a considerable number of letters relating to this subject, many of them from the Earl of Tullibardine, who was the brother of Lady Lovat. But only a few are given here, as the letters are chiefly repetitions of each other, being couched in terms of great bitterness against the assailants, and urging that immediate steps be taken for their apprehension and punishment.]

195. The first letter of Earl Tullibardine's which refers to the subject, addressed to the Earl of Marchmont, Lord Chaucellor, is dated Whitehall, 22nd October 1697. In the postscript he says, "I have heard by this night's letters that Beaufort elder and younger have committed incredible barbarities against my sister Lovat, brother, and Lord Salton, which no doupt your Lordship has had an accompt off, and I litle doupt you have been concerned to give effectual orders for punishing the actors as such crimes deserves, and that a strong pairty is sent to bring them prisoners." [A few days later he writes again in the same strain.]

196. Letter on the same subject to the Earl of Marchmont from Sir Patrick Murray. Edinburgh, 1st November 1697. Informing the Chaucellor that a quorum of the Privy Council had appointed the Sheriff of Inverness to raise the "posse comitatus" of that shire, "and if that prove not effectuall for bringing those rogues to order, he is to call Hill's regiment and fyve troops of my Lord Forbes his dragoones (who are lyeing towards the north) to his assistance, who are ordered to obey his call, and if it be necessare he is lykewayes to call for the assistance of the neghbouring shyres . . . the business is now publict, and I ame affrayed the chieff of those villanes may make their escapes." The writer adds Lord Tullibardine had written expressing an opinion that the forces were too long delayed, but Sir Patrick thought it "safer now to use severities against them then when the prisoners were in their power."

197. Letter, the Earl of Tullibardine commenting on the situation, dated Kensington, 2nd November [1697]. He desires that a commission should be granted "to my father's men and mine to joyn with any forces to apprehend the authors and their assistants, and it will be a mean to take off the affront that our family has suffered by it that our men do bring them to justice. It seems there is much reason to look well to the countrey thereabout and to have forces quartered there, for my Lord Seaforth is continuing in his acts of oppression likewayes. I doubt not but your Lordship will see that that business of O'Cons be effectually prosecuted and that my Lord Seaforth be brought to answer for it. These things concern both the justice and honour of the Government and do make a great noise here, and people take occasion to blame the managers that such things are done, but it's impossible to prevent some, tho' I am confident the courses that will be taken with the authors will make it appeare that the Government does act with authority and vigour."

198. Letter, on same subject, by Lord Forbes. Inverness, 19th November 1697. "In obedience to the councell orders I made all the

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hast possible to this place. I came here Fryday last, the Athol men were this length the night befor the herald came along with them. Saterday he went about his business. That noe time might be lost, I doubled the march of the troops, soe that against Monday at three o'clock, against which time the fourty-eight hours were expyred, I had got four troops up. Immediately after denuncation I sent out three troops to joyn ane hunder and fyftie foot. I had posts to hinder there raising of the country, but the approach of the King's forces hindered them from coming to a head, though befor they were thought to be very strong. Next morning I marched out another troop and the rest of the foot. Captain Fraser with a few of his adherents left the country. The Lady Lovatt came that day to me to her house of Castle Downy. I sent partys of dragoons and foot everywhere but could find none in armes; this was in a place called the Aird. As for Strathharrick most of thes men came in befor denuncation there being nine of them in the sherieff's hands, I mean the leading men of the country. Since Monday last we had most tempestous weather of snow and great frosts that was (*sic*) it difficult travelling amongst the hills. I brought back the troops this length and am falling on other methods to force thos who now lurk up and down; it is the hardest matter in the world to find any guids or gett intelligence; however, if they keep the countrys here about I hope they may be found. I will assure your Lordship nothing has been wanting in me to doe things effectualy. I find for as many frends as they have there is a great deall of respect had to the Government, soe as they will not openly assist him. Finding there was noebodie of ane enemy, it being my Lord James Murray desyre, none of Athol men past the bridge of Inverness; this day they are gone home. My Lord James Murray and the rest of his brethren with there sister, my Lady Lovatt, are gone the low way to the Marques of Atholl's house, that all shadow of force or constraint on our side might be taken away. When first I waited on her I told she was at liberty and desyred to know whither she would stay at her own house. She told me she would goe along with her brothers to Inverness. She lay that night at a gentleman's house hard by, the people hereabout making a noise as if she were caryed away by violence. I went again to her to know her inclinations who gave me this declaration in wreating. As for other matters it not being injoyned me I did not medle. The shirreff remits ane accompt of his diligence with a paper under her hand of her being at liberty. The effectuall way for bringing in such as are outlawet now will be the placing of a garrison in Castle Downy or Phanellan, which may be taken out of this garrison, that is for the Aird. As for Strathharrick there is noe house in it, but it is surrounded with other garrisons. I would have left men there immediately, but would not adventure without your Lordship's order." He desires instructions as to the disposal and quartering of the troops.

[On 26th November Lord Forbes again writes from Inverness. ". . . My Lord, since my last the storm has increased. Simon Fraser and his acomplices being few in number are retyred above thirty myls from this. I have posted the troops, that if he come near the country of the Aird, if the intelligence and correspondents hold good, I may catch him, because it is impossible to march from that place without his being acquainted. I have posted a troop at Dingwall in Ross, wherby I can enter my Lord Lovatt's country in ane hours time, if he shall offer to come. The other day he came within five mylls of this with about twenty men, but retyred immediately. I have still some partys out, but till there be a garrison in Phanellan or Castle Downy, in this

weather little can be done ; the whole country are intirely addicted to him. Your Lordships orders upon all this shall be punctualy obeyed," &c.]

199. Letter to the Earl of Marchmont from Robert (Macgill), second Viscount of Oxfurd. Cranston Macgill, 2nd December 1697. He reminds the Chancellor that it was not in his power to leave his own house because of the sentence of confinement under which he lay. "You can not but know how patiently I have suffered this eight years, neather would I give the Privy Councill any troubell on my account if absolute necessity did not oblidge me to it." The writer earnestly begs permission to be in Edinburgh to attend to his affairs, and beseeches the Chancellor's influence on his behalf with the Council.

200. Letter from the Earl of Tullibardine to the Earl of Marchmont. Kensington, 16th December 1697. After referring to some matter of customs duty the writer says, "Your Lordship is certainly in the right that many abuses the soft and forbearing methods are taken, nay I find (as I touched before now more clearly) pains is taken to have it insinuatte that there is no government in Scotland, which is the very words are saide, and that your Lordship has no authority, and that crimes are lett falle or but slightly noticed. I am informed within these two dayes that it is concerted that Earl Argile should be Chancelor. I challenged the Duke of Queensberry on itt to-day, but he sweares he knowes nothing of itt. I am apt to belive him, but I suspect much that the Advocat and Carstairs are pushing itt. The last continues to work by the back door, and I realy belive has been a black sight as we say, to Scottland, by misrepresenting honest men, and other methods which I shall not now insist on. I wish the ministers woud send up some here to agent what concerns them and recall Cairstairs. Your Lordship will take your own methods to forward at least the first, I meane to send up some moderatt discreet men ; I kno it is designed by the ministers. . . . The King asked me yesterday if your Lordship was not grown old. I answered that you were not much older then the last yeare that his Majestie had apointed you his Chancelor and that your age did not hinder your doing your duty faithfully to him, and that there was none in the government coud be more trusted to for your faithfulnes and sincerity ; and then I begun to think that there had been some insinuations made, so I added that I belived some people did alledge that your Lordship had not that authority that was needfull, but I assured him that if I were yett to name one, I knew none was so fitt for that post, and that if you had caried highly some woud have been much readier to object that there was no living with you, &c. But before I had ended what I have writt, the King interrupted me and said that he knew your Lordship was a very honest man and that he had a good opinion of you." The writer further states that the King was uncertain about his going to Scotland and comments on a proposal to "break" the Scottish Parliament. In a postscript he says, "The pacquet that was due on Munday last with your Lordship's letters of the 7th came in this day [Thursday] at one o'clock, and the letters were so wett that I had much difficulty to read them and hold them together, and wee want still the pacquet that was due yesterday ; it seems the wayes must be very bad and the waters very much up."

201. Letter to the Lord Chancellor from "Al. Anderson," Inverness, 17th December 1697. He writes that the Councils orders regarding the Frasers had reached him. "Since my Lord Forbes left this and that

they have been intercommuned, they are removed to the remotest parts of Strathglash eighteen or twenty miles from Invernes, where be reason of the distance of place, difficulty of its accesse especially the time of storm, the constant guards they maintain upon this side, all the countrey between being their friends, and even this town from whence we march favouring them, nothing could be attempted from this side be surprize or otherwise with any probabilitie of successe. The garrison of Invergery being about seven or eigth miles distant from the parts they haunt, to witt, Glenstrafarrer, Glencannich, and Guisichen, is reinforced from Fort William in order to surprize them from that side as the surer way, with whom I keep a constant correspondence to that effect, though ther is little liklichood of getting anything done, till the storm be over, that at present is very great in those parts. I had a man with them Saturday last, who gave the following account: That Captain Frazer was in Glenstrafarrer (old Beaufort his father I ame told is in Skie), with him was Ercheit, Kilbockie, Kilduthol younger, and his uncle sometimes called the Major, Struy, younger, Culmullen, and one McHuisten, all Frazers, and about twenty-four or thirty men, some of them with the livery of my Lord Tullibardin's regiment on them. As he was going thither he was challenged at six miles, and again at two miles distance from them. They seldom ly where they supp, and never stay more than one night in a place. I will strive to gett intelligence of them and observe their motions, though at present they make very litle noise where they are," &c. The writer concludes by asking if the orders of the Council are meant to warrant against all accidents that may occur in executing the orders against the Beauforts.

202. Letter from Sir James Ogilvie, Whitehall, 21st December 1697. Positively denying that the Earl of Argyll was a candidate for the office of Chancellor. "This is falce to my certan knowlege for I know he neaver projects that imployment. He hes on more lucrative and more sutable to his inclinations, and if you needed it against him or any other you would have all the assistance in my pouer," &c. [The Earl of Argyll and Mr Carstares also wrote contradicting the report, the latter also declaring that the report about the Parliament was likewise false.]

203. Letter, the Earl of Tullibardine to the Earl of Marchmont, Kensington, 31st December [1697]. " . . . I reade [to the King] your lordship's letter to me and the memorial to the Councill from the African Company. His Majestie was not at all satisfied with the reflecting expressions, and hoped that your Lordship woud gett it waved from coming into Councill in that manner, for if the English here gett copies of itt, the King will be sett upon and all our nation by the English Parliament, which you may imagine will prove of bad consequences if differences shoud come between ether the King or his Parliament here or the two nations, as God forbid. Wherefore the King expects that your Lordship will use your utmost endeavours to smooth things, especially at the time of the Parliament sitting here. Is it not possible for your Lordship to gett the Company to change the address and keep the matter of fact in and leave out the reflecting expressions? upon which accompt, it being a matter of State, it was very proper for your Lordship to keep itt up for some time untill you knew the King's mind, which is, that his Majestie allows your Lordship to signifie to the Company that the King has sent directions to his resident at Hamburg, as he writt from Flanders in July last, and that his Majestie does belive his said resident has not made use of his Majestie's name to obstruct the Company in the prosecution of theire trade. It is

not proper it be mentioned that the King has seen the memorial to the Councill which your Lordship sent. I hope the above declaration is satisfactory, which is indeed an answer to your Lordship and not from the King to them," &c.

204. Letter, the Earl of Argyll to the Earl of Marchmont, London, 4th January 1697–98. *Inter alia* he writes, "This minutte Whytehall is in fyre. All allmost looking to the watter syde is burnt down; how farr it will goe I know not. The gates are shutt up so I can send no particular account." [*See also* letter of same date from Mr. Pringle *supra*, No. 169.]

205. Letter from Sir James Ogilvie. Whytehall, 5th January 1698. Acknowledging a letter written in Marchmont's "own hand," he says, "I cannot writt this with myne, for I find my eyes waike with the sitting up the last night and looking on the fyre. All the palace of Whytehall, at least what was built by King Charles the Second and King James, is burned downe; there remains litle but the banqueting house, and the Earle of Portland's loadgings, and both these were saved with great difficulty. My lord doth not goe till the next week, the greatest part of his furniture is at my house," &c.

206. In a postscript to a letter without date, but probably written on same day as the preceding, the Earl of Tullibardine writes, "There happened a fire yesternight at Whitehall in one of the garrets, which broke out in a flame before the doors could be got open. It burnt so violently that ther is nothing left on the side of the privy garden, nor next the water till near Scotland yard, so that the King's apartment, and the Queen's, the Chappell, Councel Chamber, guard hall, and, in short, all that was worth the standing at Whitehall, is burnt except the banqueting house, which with difficulty was saved."

207. A letter to the Earl of Marchmont from "And. Kineir," dated Whitehall, 5th January 1697–8, says, " . . . This flying packet will bring your Lordship an account of the unlucky occasion why we sent no packet last night, for truly this Court of Whitehall was all in flames at the time. All the royall apartments with the King's chappell and gward hall, the Duke of Shrewsbury's office, the Treasury Office, Council Chamber, the late King's new chappell, the long gallerys with Devonshire's, Essex's, and Villars's, and severall other lodgings are all consumed, and the ruine of the banqueting house itself verry hotly disputed. And truly save that and our further end of the garden (which, blessed be God, has escaped) there is nothing left to bring any person about it. The best account we yet have of the occasion of it was the neglect of a lawndress in Colonel Stanley's lodgings near the river. There are five or six at least destroyed by it, but no persons of any note. This is enough of so melancholy a relation," &c.

208. Letter (unsigned, and writer not identified) to the Earl of Marchmont, dated "January 4th, 1697," but indorsed by him "4th January 1698." "My lord, I am informed by a very good hand that theres a discovery of a designe to have poysoned his Majesty in the sacrament wine on Christmas day, that such wine was actually prepared for him, but other things not being ready it was withdrawn again by the conspirators who are very confident they shall be rid of him before Lady-day. Some other discoveries of the same nature are made, and I know that depositions have been taken by Justice Arnold, whom I mention because I suppose your Lordship may know him, he being the

person that the Jesuites attempted to murder in the time of the Popish plots. This discovery is not talked of publickly, and known but to few. But I thought it my duty to impart it to your Lordship, and pray God to direct you and others of our patriots to such measures as may secure the religion and liberties of our native country whenever God in his justice shall think fitt to punish us with the death of our most excellent prince, for then our implacable enemies will endeavour to overturn whatever he hath established."

209. Packet of letters, 1694–1703, to the Earl of Marchmont by Duncan Forbes of Culloden.

(*a*) Letter dated Culloden, 13th July 1694. Commenting on the state of the Highlands, and the difficulty of exercising justiciary jurisdiction there.

(*b*) Fort William, 14th August 1694. Dealing with the same subject, "which is one of the great and important interests of Scotland, to witt, how the Highlands may be made tractable to the Government and peaceable towards their nighbours. Your Lordship knows it hath been often attempted yet never effectuated but once, and that in Oliver's tyme by the same hand that is ingadged in it now. The circumstances of the people now are much lyke what they were then, and in all probability the methods of doeing that bussines now must be lyk what was then practised. And just now being vpon the very tope of it wee easily see into the bottom of all the affair and whither in reason its possible for it to goe. As I wrot to your Lordship formerly wee had begun to exact lists of all landed men and constant possessors within the Highlands, of all men liveing upon ther lands, and were takeing bonds of them in the tearmes of that last sent to your Lordship for ther peaceable behaviour. Wee [Colonel Hill and the writer] are now at this place which is the heart of the Highlands, and wher wee have gott the same obedience that wee had in the low countreys; and from our experience we see what may be doon, and what not, from whence your Lordship, when it is once laid before you, may see what ought to be doon and what not. My lord, ther are but two ways for secureing the peace of the Highlands. One is to put them in such a condition as ther may be a possibility to live without ane absolute necessity of takeing away other men's goods for ther mantenance, or els to cutt them off; if the first can be brought abont the last is to be avoided if possible. But that same first labors under two or three difficultys, which I should think insuperable, if I had not seen it made practicable in Oliver's tyme, notwithstanding of the lyke difficultys which stood in the way of peace then. The first that appears is this, the one half of the Brae-Lochaber, vpon which there doe live ane hundred and sixty or seventy families with ther Chiftain Coll Mackdonall of Keppach, doth belong to the laird of MacIntoshe. These have been possessors as long or before he was heretor; however, he hes had them these many years vnder a removall because they will not highten ther rent to his lykeing. He made them lawless vnder the lash, of which they ly to this hour, so that if they remove they must dy or steall. To pay bygons brings them just to the same pass, and ther is a great incongruity that a pack of outlaws should possesse a gentleman's estate, whether he will or not. The parralell of this difficulty existed exactly in Oliver's tyme, in the persones of this same Makintoshe's father and Locheall. The last was intercomond, fugitive, and what not, because he would neither remove from, nor highten the rent of the lands of Glenluy and Locharkaik. But Locheall being greedy for peace, and quyett as Keppach is now, the English Government stopt Makintoshe his dilligence, receaved Locheall into protection, made both parties

acquiesce in tearmes, left Locheall and his people in a condition to live without stealing, after which tyme whill the regne of King Charles Second, ther was never on cow stollen in all the Highlands of Scotland. The second difficulty is, that though Makintoshe and Keppach were at a point, yet is it impossible for the Highlands to live, because all the purseuts for stealing and robbing, &c., that ever was commenced against the Highlanders since the 70th year of God, are now sett one foot again, and brought in before our Court notwithstanding of the indemnitys, which they say remitts the cryme but not the restitution, so that if justice be doon, twenty tymes the moveables of all Lochaber will not make vp the restitution; and our Commission allowing to imploy Colonel Hill's regiment vpon the poynding, wee must immediatly have a thousand sterveing divills brought to ane absolute necessity of stealing to fill ther bellys, and ready to joyn with any change that can better ther fortune. The parralell heirof was exactly in Oliver's tyme through the infinite dissorders of the civill warrs, nor was there any other remeddy but to sett a broad foot vpon all. A third difficulty is, that some few barbarous people are so inured to theeveing and plunder as it is impossible to gett them brought from it. The answer to this is, were the first two difficultys lookt into, the better sort being bound for the rest (as now they are), they would without any more cryme delyver vp the suspect persons in ther lists to be disposed off for the peace of the countrey, as was doon in Oliver's tyme, and then it is hardly possible but the same methods being prosecute now as were then the same effects behoved to follow. In a word, my lord, you will hardly believe what a tendency thir miserable people have to be quyett, and I plainly assert it were better the Government bought McIntosh his land and put the interest of the pryce as a few dewty vpon the possessors (as far as they could reach) then dryve them to desperation; yea, it were better the State took up the clames for restitution, and laid on a moneth's cess or the lyke, for paying a composition to the cravers, rather than loss the occasion of turneing this people from their barbarity. Many things concurr at this tyme with ther inclinations, which, if not improven, will languish, such as a comander mighty intent vpon this method and weell skild in it, a good garrison, a brave regiment, a minister, a good scooll, and severall things more, which, if neglected, the people will become diffident, the great men's insinuations will take place with them, the Justiciary Court will lose its reputation (for as it is, I could hardly get a coram of them brought this lenth), men must fall into ther old slavery of paying black meall, and the future estate of this part of the kingdom will be farr worse as the former." The writer expresses a desire that more may be added to the Commission [of the peace?] in Fort William, that Colonel Hill may have a quorum. "The Perthshyre Courts have interfered with us now also, and Glengary, though he has given his bond hangs a taill a litle."

(*c*) Culloden, 25th August 1694. " . . . . I told you that Glengarry was drawing back; I had it then both from Locheall and Keppach, that they were solicite by him to the same purpose. The consequence is that last week about 80 head of cattell are taken vp out of Ross and travled in to Glengary. Withall I hear that Murray and Breadalbin's Courts at Creiff have split vpon the indemnity, and have sent to Flanders for ane interpretation of it. It is no prudence to make desperate men off a sudden lyable for bygons; non hes greater reason to wish it then I, but I would not cast the countrey in a confusion for my particular. If I can live without it, I'le rather superceed it in eternum. Its fit your Lordship medle in this and acquant the Secretary that he caution the King not to be sudden in the interpretation of his

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indemnity. Were the Highlands peaceable and honest, great lords find that they would be no more necessary, and lest that come to pass, they will doe all is possible to elide this Justiciary either by stretching of it so as multitudes must be made desperate or by enervateing of it so as bad men may dispyse it," &c.

(*d*) A letter, dated Channory, 14th December 1697, signed by the Lairds of Brodie and Culloden, who were sureties for Lord Seaforth, who had been cited to appear before the Supreme Court, declaring that his attendance was impossible, owing to sickness, and entreating the Chancellor to delay the diet of Court. [The remaining letters in the packet, seven in number, are not of special importance.]

210. Packet of letters to the Earl of Marchmont from the Laird of Macintosh, 1696—1698.

(*a*) From "Elgin of Morray, 30th December 1696." Referring to a subject dealt with in one of Culloden's letters,—his relations to Coll Macdonald of Keppoch, whom he alleges it was Colonel Hill's duty to have seized "dead or alive" by a certain date, which had not been done. He desires the Chancellor to continue the diet of appearance "whereby the said Colonel Hill may be the more excuseless iff he doe nott apprehend the person of the said Coll McDonnald againe the said dyett, which he cann most easillie doe if he pleases; butt he is such ane sinister, dangerous, and ill-holden gheust in the Government that he will pretend fair wher he is most foull, and ane arch cheater under the pretext and collour of honestie and ingenuitie." He desires extracts of the warrant from the Privy Council, that Colonel Hill may have no excuse, "for he gives itt now outt that Coll McDonnald is gone for Irland, which is meer knaveishness, for he is keeped privatlie att home by his ordore, as I am informed in this place be the draught of Collonell Hill. My lord, wer I not most stedfast to my principles for the last Goverment, I hade no favour, yett wer they so just as to owin me against thatt nottórious and signall rober, murderer and rascall, and in this Goverment which I so stifflie owin I have hade all my losses of burneing my houss, lands and tenents, as ane commission of Parliament and counsell doth plainlie declair my losses to have been and to exceed the soume of two thousand nyne hundred and nyntie-six pounds sterling." He enters further into his alleged grievances, but he says "I am able to serve his Majestie with two thousand men whenever his comand shall direct me when and wher. And did his Majestie butt know how much I am oppressed, my caice being singullar, matchless, and unparalleled in the world, his Majestie would give me speedie relieff and save my familie from being in danger of ruening, for itt is to be sure a faithfull, sincere, and most dutifull servant and subject I am to him, and no Highlandman except the Laird of Grante and myselfe he cann assure himselfe off, as is notturlie weell knowin through all Scotland," &c.

(*b*) After various letters relating to a Commission of fire and sword which he desired against Macdonald of Keppoch, Macintosh writes from the Isle of Moy on 4th February 1698, earnestly pressing that it should be granted. "Iff itt be any longer delayed, itt will undoe me utterly, for my design being God willing to posesse my lands in Keppoch and Brey-Lochaber in the begining of summer nixt; unless I gett the comissione granted immediatly I may resolve to give it ower qytt, my vast expensses being so extraordinarie great."

(*c*) On 14th May 1698 he writes from Inverness, deprecating any hindrance to the passing of the Commission. "I find (he says) much friendship by Brigadier Maitland, present Gowernour of Fort William, who did the last week send ane considerable pairtie to sieze Coll

McDonald and narrowly missed him, and he resolvs to be very uneasie to Coll untill he gett him apprehended. Coll has made it his work in the night tyme to threatten the tennents and possessors of my land ther, boasting to take ther lives if they should offer to tile or sove any this yeare, and the fellowes being timorouse have not soven on pickle ther, yett are most willing to settle with me if Coll's person were either secured dead or alive. My kinsmen and I will, as soon as possible this summer, make in armes againest those rebells, but the trouth is ther is a great famine of wictuell and men in all our Highlands here, the wictuell being most scarce and dear, and many of the men dead, the lands being for the most pairt weast, yett, notwithstanding of all this, I trust we shall bring such ane good and formidable pairty to the fields as will be too hard for Coll and all that would joyne if they but face us." He again appeals for help in regard to the loss of his house, furniture, &c.

(*d*) On 15th August 1698, Macintosh again writes from the Isle of Moy, having apparently in the interval obtained the Commission. "My freindes and I did goe to Keppoch on our Comissione with ane considerable pairtie off good resolute men, and we acted there as much as we could in so short a time by settling with some off the tenents who did take tacks from me. Severall others of them hes not as yett come in, but I beleive will come in end. Coll McDonald his threatning and affrighting off them did keep them unlabering their lands the last spring. We did send three or four severall pairties whyle we wer in Lochaber to have seased the persons and goods off these rebells and the person off Coll McDonald particularly, but the great mists upon the hills did marr that interpryse, since it was impossible while they wer abroad to see man or beast; and the last two onsetts we made did sease many of the rebells goods and cattle which occasioned that some off them came in and settled with me; and we did build three sufficient timber houses in Keppoch for the use of the companie which lyes there of the King's forces be order off counsell for keeping me in posessione off my interest there; and that and the Comissione proves terrible to these rebells and be time will doe, I hope, my busines. Only, the nixt summer, ther will be a necessitie for my building a little ston house ther for my own use, butt these three last years bygon, and especialy this last year, hath been so bade here that all our lands are allmost weist which has rendered such ane famin of both money and wictuall in thir places by reason off great dearth that I was not able to build a ston house there this year, my other Lochaber expensses haveing drawn so deep upon me," &c. He concludes by again reminding the Chancellor of his losses and claim for compensation.

211. Letter from Colonel Archibald Row to the Earl of Marchmont. "Edinburgh, 18th January, 1697–98." [So dated, but apparently written from London.] He had delivered the Chancellor's letter to Lord Tullibardine. "The kinge hes not yet had time to enter wpon the Scotts affaires, onely Major-General Ramesey is gon to command the troupes in Holland. . . . The Parliament has settled 10,000 land forces and halfe pay to all the officers that are to be disbanded whoe are natturall borne subjects of England. They are about moddeling the mellitiae for defence of the countrey, but its thought they cannot make great progress in that. My lord Burlington dyed twoe dayes agoe and lefte 20,000li a yeare to his grandson, my Lord Clifford, with a stone better than all that; whoeever weares it about there necke are not to dye till affter the age of foure score. He lefte

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annother brother of his, Hary Boylle, 4,000li a yeare and 6,000li in money," &c.

212. Letter, Sir James Ogilvie to the Earl of Marchmont. Whitehall, 15th February 1698. *Inter alia* he writes, "The first thing you will have to doe now will be the settleing of the garison of Fort William [where Colonel Hill's regiment had been disbanded and replaced by that of Brigadier Maitland]. Livetenent-Collonell Forbes will certainly be usefull to the Brigadeer ther, and if also some of the best of the former regiment be taken on and imployed in each companie they will have the benefeit of knoweing of the countrie almost as well as the former did, and the officers and souldiers of that regiment have the reputation of haveing behaved verie well upon severall occasions abroad. The sooner they are settled ther, it is the better, because of the many disbanded louse men that will be now in the Highlands, and it can not be thought that the former garison will be so cairefull as otherwayes they would be if they hade bein to continoue," &c.

213. Letter, the Earl of Tullibardine to the Earl of Marchmont. [Not dated, *circa* 20th February 1698.] A long letter commenting on the treatment of Sir William Hamilton, of Whitelaw, Lord Justice Clerk, whom the writer wished to be President of Session. ". . . Honest Cairstairs has been a great instrument with Earl Portland to obstruct this by which you may judge of the man, but if your lordship consider whom he has alwayes joined himself to, as Lord Stairs, Lithgow, Broadalbane, &c., its evident his designes are not good. . . . I know I need not caution your lordship to be on your guard with Cairstairs; if you heare him, belive him not, for I assure you no man can be less trusted or is more capable to deceave. That a churchman should medle with Court and State is intollerable, and which never succeeded to the advantage of any nation or honest men, nor its likly ever will for they act without their spheare and God does not bless theire undertakings. This honest man, Carstairs, pretends he goes about private business, and Secretary Ogilvy sayes the same, but I have grounds to know that he has other affairs to manage; he is to try the puls of people and how some things will relish with the next Parliament," &c. [The writer proceeds to more general matters of less importance. This was almost the last letter he wrote, as Secretary of State, to the Earl of Marchmont, as on account of the appointment of Sir Hew Dalrymple to the presidency of the Court of Session he demitted office. There are several letters on the subject of the appointment, but they are not of sufficient importance to be reported on at length.]

214. Letter, the Rev. William Carstares [address wanting, perhaps to the Earl of Marchmont, then High Commissioner for holding the Scottish Parliament]. Dieren, 19th August 1698. "My Lord, the account your lordship honoured me with of what past as to the African Companie did give me very much satisfaction, and so much the greater that the ending of that affair so smoothlie seems to have putt my Lord Commissioner above all his difficulties, that now I hope his Grace is in a capacitie to bring this session of Parliament to a very happie issue . . . his Majestie is fulie satisfied with his zeal and care," &c. [In another letter, same place and date, to the Earl, Mr. Pringle, Under Secretary of State, writes, "His Majestie must certainlie be pleased with the issue of this affair of the African Companie, for I think our wishes could not have formed a more favourable on, and I doe heartilie

congratulat the good success your Grace has had hitherto in your management which I hope shall continue till this session is brought to a happie close." On 15th September 1698, both Mr. Carstares and Mr. Pringle wrote from Loo, each almost in the same words congratulating the Earl of Marchmont on the happy issue of the Parliament, which was acceptable to the king.]

215. Letter signed "John Coventry," addressed to the Lord High Chancellor of Scotland. Edinburgh, 12th September 1698. Craving pardon for his presumption in writing to the Earl, he proceeds, "It has been (I hope I may say) my good fortune to have lived many yeares in East India, where I had the advantage of improving my time as well in informing myselfe in the nature of the commerce there, as in the manner and constitutions of their Governments, which may in some measure be serviceable to the country of my education, to which, vpon my return from India, being sattisfyed by the Act of Parliament of the great advantages, it might reape by an East India trade; and finding some as well of the nobility as of the gentry and merchants vpon discoursing with them inclined therto, I thought the only demonstrative way would be to erect or raise a scheme of a voyage thither, which, being done, gave such encouragement that my Lord Tarbat with some others have obtained a commission to send out a ship thither, as is intimated by the printed preliminarys presented [to] your lordshipp by myselfe." He desires the Chancellor to encourage the enterprise by being a subscriber to the scheme.

216. Letter from "Jo. Dalyell" to the Earl of Marchmont, Inverness, 6th September 1698. Intimating that he had sent a party to "Chanarie" to seize the person of Dr. Cornelius Con, without success, as Con had gone to Edinburgh. He asks for further orders.

217. Letter to the Chancellor from Dr. Cornelius Con. "December the 22nd, 1698. My Lord, I am those fifteen weeks close prisonour incapable to write to my countrey or friends for a supply, daily running in debt heare and not able to pay it, as I have signifyed in my petition to the Lords of the Treasury and has yett got noe answear or precept." He desires a judicious hearing that he may know the accusations against him. "I have been euermore dutifull to Gouerment which occationed my sufferings amongst wilde vnruly persons, and though I am a stranger in Scotland, yet am a loyal and real subiect to the King of Brittaine and therfore expects justice. I came of my free accord to give the Gouerment an account of my sufferings and of my persecutor against whome I libled on a bone, and did expect better encouragement then imprisonment." He asks to be set at liberty, have his wants supplied, or to be permitted to write to his friends. [The circumstances of Dr. Con's ill-treatment by the Earl of Seaforth and the hardships he endured are related in a letter reported on by the Commissioners in their Twelfth Report [Appendix, Part 8, p. 55] on the muniments of the Duke of Athole. On 18th January 1699, Con again wrote from Edinburgh Castle, complaining of the extremity to which he was reduced, and desiring to know how he had offended the Government. By the 4th of May in same year he, through the influence of the Chancellor, had more liberty. He writes on that day hoping he may get a certificate from the Council of his sufferings for the Protestant Cause. " . . . this castle is a poor place for a weak purse, yet is a paradise to me in respect of the Papisticall Purgatory the eight years. I question if the Pope will so soon get out of his purgatory if he goes

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there." He then refers to the evidence he can produce against Lord Seaforth.]

218. Letter to the Earl of Marchmont from John [Paterson], bishop of Glasgow. Gogar, 24th January 1699. Asking the Chancellor's influence to procure his enlargement from his "long restraint and confynement. I suffer much in my litle concerns at law, thorow my incapacitie to attend them at Edinburgh, as also my poor children are at a great and sensible loss in their education thereby." He therefore pleads for liberation.

219. Letter from the Marquis of Winchester and Henry, Earl of Galway, joint Lords Justices of Ireland, to the Chancellor of Scotland. Dublin Castle, 4th February 1699. In answer to his application for a supply of meal and malt for the use of the garrison at Fort William, they say that they are very desirous to preserve a good understanding between the two kingdoms, but that "the whole [Irish] Councill have been of opinion that the exportation of any meal or graine, especially so great a quantity as has been desired, cannot at this time be permitted without the greatest inconvenience and clamour of the people, the scarcity here being already so great that the House of Commons in their late session desired we would renew the orders that have been given not to suffer any corne to be exported except the necessary provision for shipping." They remind the Chancellor that 350 barrels had been ordered in the previous year but never shipped, supply having been obtained elsewhere."

220. Letter from Sir Patrick Home [of Renton] to the Earl of Marchmont, Edinburgh, 20th April 1699. Informing the Chancellor that, in answer to complaints by the ministers as to Popish meetings, "the magistrates, upon Sunday last, sent a party of the Town Guard to the Duke [of Gordon's] lodgings in the forenoon, and the gates being closed when they came. But after some time, they being opened, the guard found above 40 persons conveened in the hous, no doubt in order to hear mass or sermon or both, and there was about 24 men and the rest were women. They were all mean persons, except only Clerk of Wrightshouses and a brother and a son of the Lord Glassfoords." The men were all sent to prison, but when they were examined on the Monday there was not sufficient evidence of either mass or sermon, and they were set at liberty. [Sir Gilbert Eliot writes to the same effect.]

221. Letter from "George Gordon," King's College, Aberdeen, 26th April 1699. Referring in an indefinite manner to some one, probably a Roman Catholic, whom he has been asked apparently to apprehend. He does not doubt that if the person in question is in Strathbogie or the Enzie "my friends there will be able to find him out to me, or I shall be able to make the discovery myself. . . . If I mistake not very much, beside the marks your Lordship gives me, he is likewise described by his broad way of speakeing, but whether he's ane Irish or Scotsman is what I cannot remember." He wishes information of the person's family or parentage, and will spare no pains to find him out.

(*b*) On 6th May 1699, the same writer, dating from "Rawes of Strathbogy," says, "I have been here and at Fetternear, and some other places in this countray these foure or five dayes bygone, and most of my company is Jesuits and other Popish priests (who, by-the-by, are

swarmeing in this countrey), most of them my German and Italian acquaintances. Some of them are very uppish upon a most flagrant report and noise of ane intended invasion, but Dr. Jamesone and Father Dunbar doe assure me (and I confess they are two of both best sense and intelligence among them) that not a man of their friends at St. Germains writes one word of this, nor are any of their King's friends acquainted with any such designe. However, they say that notwithstanding of this they will not hinder the propagation of it even among their owne accomplices, because they are satisfyed to have them beleeve that still theire is some life in the cause. I have as yet made no discovery of any laick stranger lately come to this countrey. Two Benedictine monks I met with t'other day, whom I knew formerly at Ratisbonne, who are come lately hither for propagation of the faith, but they talke of nothing save the Duke of Berwick's reception at Rome, which they are made beleeve in Germany portends some great matters, tho' others of them will have him allready returned againe to Dunkirk with vast remittances of money, &c., which I find the wiser sort of them smiles a little at. But whatever be in this, I find they are all perswaded that there is some great designe on the wheels. In the meane time I am a little difficulted for want of a commerad of sense and experience, and sufficient honesty to whom I might have imparted my designe and entred into concert with, which would have extreamely facilitat my business in case I hade been so lucky as to find out the gentleman I want. However, I have taken a resolution, which I judge necessary to impart to your Lordship timeously, and it is that in case I succeed I'l immediatly score out my owne name out of both warrands, and fill up the name of some officer or friendly and trusty magistrate in whose honesty I know I can confide. Of such I have allready two or three with whom I have setled correspondence, but have sayed nothing of this secret, and if I find that time will allow I'l cause seize, and take myself prisoner as well as my friend, by which meanes I can both secure myself against any outrage from the accomplices of such a villain, who I know would bogle at nothing, and may likewise continue in a capacity of doing the Government any other small service that lyes within my narrow and weake reach. But in case time and other circumstances will not allow this precaution, I am, through God's strength, resolved rather to venture my life than faile in the designe if it come to that push, which I wish with all my heart may be." If the Lord Chancellor disapprove this plan he is to inform the writer, who thus proceeds, "I doubt not but some of these with whom at present I am could give me some information of Sir George, his countrey, &c., but I dare not speake of his name least they smell a rat; however there's one of the most pragmatick among them that loves a bottle, and I designe to make a shift to get some water to the pump; but I'm much mistaken if the Duke of Gordon does not know him particularly, and I apprehend it were no difficult matter for your Lordship to get a particular account from him," which the writer hopes may be done as soon as possible. In a postscript he says, "I, haveing a colleague of my owne name, your Lordship may be pleased to cause designe me Professor of the Orientall languages," &c.

(c) The writer of the above was suddenly summoned to Aberdeen, whence he writes again on 15th May 1699. He had heard of some strangers who had gone up Deeside and had followed them, but found none of any note, "save one, Bailie David Ædie, who is lately come from France, where he declared himself Popish." The writer had still no success in his special mission. [From an allusion to "Sir George" in the second of the above letters, it seems not improbable that the

person whom the writer and the Government desired to secure was identical with a person named in a letter to the Chancellor from Sir James Steuart, Lord Advocate, dated Alnwick, 8th April 1699, where he says, "One thing I must again write to your lordship, which is that inquirie is desired to be made for Sir George Barclay, the assassin, if arrived in Scotland. It is informed that he landed lately in the north of England, and that he is of a middle stature, red faced, lame of a hand, and about 60 years of age. It would be great service to find him out; there is 2,000*lib.* sterling set on his head." The advocate wishes private inquiries to be made in the first place, afterwards a proclamation.]

222. Letter from James Ogilvie, Viscount of Seafield, to the Earl of Marchmont, Whitehall, 5th October 1699. Informing the Chancellor that the "bad news" of the desertion of the Colony of Darien by the Scots was true, and that they had "arrived in a miserable condition at New York. They suffered much by the rainy season and for want of provisions, and it seems they had no intelligence from Scotland from the time of their setling until the time they broke up."

223. Letter, Mr. Robert Pringle, Under Secretary of State. Hague, 13th October 1699. Writing about the memorial given in by the French Ambassador, he adds, "I am sorrie the misfortune of our colonie which we have now confirmed putts an end to all. Your Lordship cannot imagine how much all here are surprised with it, and I am afraid that both the interest and creditt of our nation, and also his Majestie's service may suffer verie much by it."

224. Letter from Sir David Home of Crossrig. Edinburgh, Friday, 20th October 1699. "My Lord, my inclinations lead me much to retirement where I think I have not a call abroad, and it is well it is so now when there is such a ferment on the spirits of most that I am ashamd and affraid to mention what I am told is openly spoken here. I wish the King may be prevailed with to follow the councill of the old men to Rehoboam, and the more speidily and frankly the better. On Tuesday last the Duke of Hamilton came to town and is here still. On Wednesday the Council Generall of the Company [the Indian and African, known as the Darien Company] mett, and after some debate and strugle voted and carried an address be made to the King. A committee was appointed for drawing it, which returned the draught yesterday. The address is approven for calling the Parliament, that his Majesty in Parliament may take their disaster to consideration and fall on means for supporting them. I hear the address is to be sent to the Secretaries. They have also aggreed on an adress to be made to the Privy Council to lay their case before them, leaving it to themselves to take what part they think fitt in that affair. . . . On Wednesday it was moved the Moderator of the Generall Assembly should be desired to call the Commission for indicting a fast on the present exigent."

225. Letter [not signed, but in the handwriting of Mr. Gilbert Eliot]. Edinburgh, 21st October 1699. "The deserting of Caledonia being imputed to the proclamationes published in the English plantations hath (no doubt) given occasion to many of these interessed to vent themselves very impertinently at the first report of the settlements being forsaken for want of provisions. But the extent and authentickness of that first information being now much called in question,

the generall warmness upon that head is proportionally abated among the vulgar, with whom a wonder lasts but nyne dayes. However, the directors and councellors of the Company are much quickened and zealous in ther measures upon these news, for besyde that the directors, upon the first arivall of that intelligence, sent expresses to severall places of the English plantations, with credite to the value of 3,000*l.* starling (for which they became personally bound), for reviveing and restoreing the colony ather by prevailling with them to return, or with Jamison to take possession of the place untill the 'Rysing Sun' arived. Ther Generall Councill meeting upon Wednesday last to the number of 43 members obleidged themselves personally for 3,000*l.* starling more, wherein they were unanimous except 5, wherof Sir James Dalrymple was one. The Duke of Hamilton wes in town, but not present. The Marquis of Tweeddale presided, and persons of quality wer present, Earles of Leven, Annandale, Northesque, Tullibarden, Lord Yester, Lord Ruthven, President of Session, Thesaurer Deput, &c., Sir John Hume, Sir Patrick Scott. Mr. Francis Montgomrie was not in town." The writer then refers to the voting of the addresses. The address to the King was agreed to, but that to the Privy Council was opposed by the Privy Councillors present, though it was carried by a majority.

226. Letter from the Viscount of Seafield. Whitehall, 2nd November 1699. [The address to the King had been sent up and presented.] "I have delivered to the King your Lordship's letter, and nou you will have clear directions hou to proceed upon the adress to the Privie Councel, for the Parlament is alreadie adjorned till March, and the King hes given his ovne ansuer, so ther is no place for the interposition of the Privie Councel. Your Lordship may also insinuat to such as you pleas that it is most unusual to have the Parlaments of both nations sitting together, and the members of Parlament will not be the worse that they have some time to think on this affair befor the meeting of the Parlament, and this pairt the King refuses verie smoothlie, and materialie grants the other pairt of the adress. He is fullie informed hou this adress hes been caried on, bot he is a wise prince and readie to pleas his peopel, seing they are in such a ferment; but he is verie weal satisfyed with what thes of the Privie Councel acted in the Councel of the Companie, and if your Lordship stand by them and incurrage them ther can be no difficultie in the Privie Councel. Your Lordship will also, as you have occasion, make Parlament men and others understand that it is hard to lay al this loss on the proclamations when the accompt in the directors' hands bears devisions amongst thos of the collonie and that they had nether money nor credite, and that al hier doe affirm that money or credit would have got aboundance of provisions even after the proclamations. It is also said that the place is unholsum. Your Lordship knows too hou his Majestie is in ane alience for the good of Europe and most keep measures with them, bot if your Lordship and others will leat in a prudent maner the true mater of fact be knowen, it may doe the King great service. He is also positive that thos who speak openlie against his Goverment, and almost avouedlie drink King James's health, that they be takne notice of, and he is for vigor with prudence, and thinks remissness in thos maters will doe præjudice; bot as for Darien, peopel most not be so severilie chalenged, I mean tho they speak rashlie considering the great loss it is both to the nation and to particular persons. This is al writn by his Majestie's command, for he spok verie weal and fullie too us," &c.

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227. There are several letters touching incidentally on the subject of the Darien Company and the disaster, but containing nothing of importance. The directors prepared another address and sent it to Court with Lord Basil Hamilton, of whom, on 26th December 1699, Viscount Seafield writes, "I must also acquaint your Lordship that his Majesty has appointed my Lord Carmichael and me to intimate to my Lord Bazil Hamilton that he will not allow him access, since he has been in the place since his Majesty's accession to the Crown and did not wait of him, and since he has not hitherto owned nor acknowledged this Government he [the King] will not receive the petition from him, but he will not refuse to receive information of what is demanded, and we will give it, and his Majesty will give the Company his answer. This was his Majesty's own resolution, for he knew the matter of fact better than we did. Yet let not the Company think that he refuses to receive the petition, tho' he will not allow Lord Bazil Hamilton to be the presenter for the reasons he has given," &c.

228. Letter, Mr. Robert Pringle. Whitehall, 25th January 1700. ". . . Our affair of Darien should have been yesterday under the consideration of the houss of Lords and this day of the houss of Commons, but the first adjourned it till Monday and I hear the last have dropt it, so that its thought neither houses will medle more with it; neither is there such a talk of an Union as hes been for some time bygone, for which manie are sorrie, being persuaded it would be the most healing measure in the present juncture, and manie wonders it was not formallie proposed by Court," &c.

229. The same writer on 15th February 1700 says, "Your Lordship hes herewith the address of the houss of Peers and the King's answer, with which I trust our countreymen ought not to be dissatisfied. In pursuance of what the King recommends to the Lords about an Union, they went into the consideration of it on Tesday last, and appointed a Committee to inspect the records of Parliament as to some steps were made in order to an Union in the time of James 6 and Charles 2nd, and to report, and there that affair lyes at present. So farr as I understand there is a great disposition towards it in the houss of Peers, but that it will meet with much opposition in the houss of Commons, so that there is no great prospect of its being carried there. The Court seems verie forward, and I hope sincerlie, and notwithstanding the pains taken by some to persuade people that the steps of the Court in order to it are but a shamm and to blind, I cannot be induced to beleive it, for I think it is obvious hou much it is the interest of the Court to persue that measure in this juncture," &c.

230. Letter, the Viscount of Seafield. Whitehall, 26th March 1700. Referring to the general national address sent up from Scotland, he says, "The Marquise of Tweddle and those that came up with him were allowed yesterday at 4 a cloak to kiss the King's hand and present their address. My Lord Marquise spoke some few words, but I did not hear them, and then the address was presented. The King desired one of them to read it, so Sir John Home read it, and afterwards his Majesty's answer was to this purpose, 'My Lord, you could not but know that I have already appointed my Parliament to meet the 14th of May next, and you could not expect that I could call it sooner; had you considered this you might have spared the labour of comeing hither to present this address.' This was the summ of what passt, and

imediatly after his Majesty went out of the bedchamber to his coaches, and so went to Hampton Court. He is to be back to Kinsington this night, and to-morrow or Thursday we are to have an audience concerning our Parliament affairs," &c. [See a similar version of the interview, with some additional particulars, quoted in J. H. Burton's History of Scotland, 1689–1748, Vol. I., p. 330, *note*.]

231. Letter, from the same. Whitehall, 5th April 1701. ". . . There are taken into custody here Sir Eneas McPhersone and one Innes, a priest, who is brother to priest Innes, Rector of the Scott's Colledge. Wee have found some of Sir Eneas his papers, and he has kept a very bad correspondence with the Earl of Melfort, for he has kept coppies of severall of the letters he wrott to him. He wrott with great assurance that our Parliament would goe wrong in Scotland, &c., that all would go into confusion upon it. I bless God that the Jacobite expectatione was disappointed in this. Mr. Innes the priest denayes that ever he meddled in publict affairs, but there is no ingenuity to be expected from one of his profession, and therefor wee continue him in custody so long as wee can," &c.

232. Letter, the same. Whitehall, 18th November 1701. "The Earl of Hyndfoord and I did yesterday present and read to his Majesty the address of the Lords of the Privie Councell, which was also signed by all the Privie Councellors that are here. His Majesty did receive it very graciously, and did express a full assurance of the loyalty of all the Privie Councell to his person and government, and was very well satisfyed with all their proceedings since the death of the late King James. His Majesty has signed a letter by way of answer, wherein he likewise takes notice of the indignity offered to him by the French King's owning the pretended Prince of Wales," &c.

233. Letter from Mr. Robert Pringle, Under Secretary of State. Whitehall, 10th January 1702. ". . . Yesterday the treatie of alliance between the Emperour, States of Holland, and our King was under consideration and approven of, by which the Emperour is to have under his pay 93 thousand land forces besides what the Empire maintains, the States of Holland 103 thousand, and the King of England 40,000, including the 10,000 alreadie in Holland, and 100 saill of ships in line of battell, all which was immediatlie agreed to, and 40,000 seamen, nemine contradicente. . . . Sir Edward Seymour proposed that the King should be addressed to take care that in the treaties his allies should be obliedged to stand by him, untill he should have satisfaction for the indignitie putt upon him by the French King's owning the pretended Prince of Wales, which was this day under consideration and agreed to," &c.

234. Letter, the Earl of Seafield. Whitehall, 24th February 1702. He sends the Chancellor's commission and instructions as Commissioner to the General Assembly. "I heartily wish your lordship good success in this matter, both for your own honour and the good of Church and State. For there is no doubt but that it will be a great disadvantage if there be any breach with the Assembly. The point your lordship has most reason to be afraid of is the asserting of their intrinsick power for the giveing any handle to push that next Parliament. I am confident such of the ministers as are of experience will be for waveing any dispute of this kind, since his Majesty dos mantain all the priviledges the Church can desire, for they have an Assembly every yeir,

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and in the intervall have the Commission of the Assembly, and all the inferiour judicatorys of the Church are countenanced and strenthened by the civil Government. But no doubt your lordship will fall upon proper wayes and methods to prevent any thing of this kind; I know the ministers have a particular friendship for your lordship which will much facilitat what you have to do." . . . "I doubt not but your lordship will hear from others that his Majesty got a fall from his horse on Saturday at hunting, and his collar bonn is broke. It is sett again, and he has litle or no pain, and is otherwise in very good health, so we hope that he will recover of this in a few dayes. In the mean time he signs papers and dos bussiness as befor. The King will not alou the Assemblie to assert ther intrinsick pouer, wherfor your lordship will need to prevent it to come to a vot, for if it be voted it will be lost," &c.

235. Letter, the Earl of Hyndford. Whitehall, 24th February 1702. "Your lordship will hear by this post that the King by his horse falling with him upon Saturday last at hunting did break his collar bon near to Hampton Court, and after his fall went ther and had it bound up, afterwards deined and came to Kinsington that night. He hes been always very well since and in no manner of danger, blissed be God. He sleeps well and eats well, and his pain is now over except sometimes when he coughs. I waited on him in his litle bed chamber, when he seigned the warrant for your lordship's commission with the instructions and letter to the Assembly," &c. In a postscript the writer says, "The king's hurt was on the right syd, and yet your ordship will perceave he wreits his nam verry well."

236. Letter, Mr. Robert Pringle, Under Secretary of State. Whitehall, 26th February 1702. After referring to the King's accident, and to a debate in the House of Commons on privilege, he says, "On Teusday last in the house of Peers, upon passing the bill for securing the King's person, in which is the abjuration of the Prince of Wales, the Earl of Nottingham made a discourse, as I am informed, to this purpose, that they could not reckon themselves secure in the setlement of the succession so long as the same was not done in Scotland, for that were to leaw a large gape for the Prince of Wales to enter at, and since the present Parliament of Scotland had not thought fitt to setle it further then this King's life (and in this mistake of fact the whole houss of Peers seemed to be in), it was not from this Parliament they were to expect a good disposition either towards an Union or the setlement of the succession in the same way with England, and therfore he moved that they should address the King to dissolve the present Parliament of Scotland, and to call a neu on. I think the answer to this was that his lordship hinted at an Union, which they beleived the greatest part of the houss would willinglie goe into, and the Duke of Somerset said he knew that it was his Majestie's intention to lay that matter before both houses verie soon, upon which a further consideration of it was dropt." The subject of the Union was afterwards recommended to the Houses by the King, "and there being a great disposition to it in the greatest part of the Peers and in all the Whigg pairtie of the houss of Commons, I hope it may be so advanced in this Session here as to make things easier in our Parliament when it meets."

237. Letter, the Rev. William Carstares. London, 28th February 1702. Referring to the discussion on the Union and the King's

recommendation of it, as "the true interest of both nations," the accomplishment of which he would look upon as a great happiness, the writer adds: "Lord Hindford hath endeavoured by letters to make the Assemblie as easie to your lordship as may be, by shewing that the Earl of Nottingham's proposall, which your lordship heard of, ought to convince all honest men that it is their interest to be so concerned for the quiet of his Majestie's government as to doe nothing that may be in the least uneasie to him."

238. Letter from the Earl of Seafield. Whitehall, 3rd March 1702. Also referring to the proposed Union. "In the house of Lords ther will be no difficulty, but the opposition in all appearance will come from the High Church party in the house of Commons. All that can be expected is that ther be commissioners appointed to treat the terms of an Union, that it may be laid befor the following sessions of Parliament of both kingdoms. I doubt not but ther will be difficultys in the adjusting of it, but it will prove so great a security to the religion and liberty of both nations that I cannot imagine but, if commissioners be but chosen and meet, it will come to a happy conclusion." Lord Seafield further states that Lord Nottingham's motion to dissolve the Scottish Parliament "was rejected by a great plurality of the Lords, as being a proposition inconsistent with the independency of our kingdom, and severals of the Lords did say that, since this was the Parliament that settled the Crown on the King, they had the more respect and regard for it. I shall be glad to have from your lordship an account of what steps were made in King James the Sixth or Charles the Second's reign in this matter; for the great objection that maney of the English make is that they think it impracticable," &c.

239. Letter from the same. Whitehall, 7th March 1702. "I am loath to detain the letter herewith sent, and I only add that I am afraid you will soon have worse news then what it contains. I pray God may prevent my fears in this matter, but in case the worst should happen your Grace would need to take advice what is fitt and proper for you to do as Commissioner, and I wish that the Assembly may have a happy issue, for much depends upon it, and I am confident the ministers who are of experience will very readily concurr to prevent all inconveniencys. My Lord Duke of Queensberry and all of us who sign the other letter desire to be excused for not giving you your right designation, for we were in confusion," &c.

240. From the same. Whitehall, 8th March 1702. "In our last your lordship was fully acquainted with the dangerous circumstances of his Majesty's health, and it is with unspeakable greif that I must now let your lordship know that his Majesty died this morning about eight a cloack. I pray God may avert the judgements that seem to threatten us by this great stroke. Wee have lost a gracious Master as well as a great King. There remains nothing for makeing his memory glorious but to support and carry on the designe of the revolution, which his Majesty has carryed so great a lenth. This has engaged all us of the Privy Council here unanimously to enter into the measures you will see wee have taken, both by her Majesty's letter and our own, to which I refer your lordship. Wee also thought it necessary to renew your lordship's commission as Commissioner, least it may be nterpreted to be fallen, and you have als instructions to observe your ormer instructions, and I doubt not but you will take care to improve or her Majesty's advantage the early engagement she has given to

protect us in our religion, laws, liberties, and Church government, and that her Majesty has allready countenanced the meetting of the Assembly. She is now engaged in a multitude of affairs, both forreign and domestick, and will not gett time to adjust our business for the sitting of the parliament so very soon; and as to this point we have all been unanimous, and we expect our friends will concurr. I wish your lordship good success in all the affair you are concerned in, and praying that God may give us all comfort and support under this great stroke," &c.

241. Letter from Mr. Robert Pringle. Whitehall, 8th March 1702, informing the Chancellor that "this morning at eight a'clock died our great and worthie master, to the consternation and regrett of all honest men." He states that "this afternoon those of the Privie Councell waited on the nou Queen before whom she took and signed the coronation oath," &c. [On 10th March the Earl of Hyndford wrote on the same subject. "The sad stroak we have mett with hes incapacitate me from wreiting till this day, and it being a subject so sad and melancolly I can insist no longer upon it, only we have lost the best of kings and kyndest master."]

242. Letter from John Lord Somers. 4th January 1704–5. Thanking the Earl for writing to him his thoughts upon the subject of the Union. In reply he writes, *inter alia*, "I have bin always desirous of an entire union between the two kingdoms, without which I have always feared it might be in the power of a designing and enterprising prince of our own, or in our neighbourhood, by taking advantage of oppurtunities to make either kingdom the means of ruining both." He thinks both countries should have the same Protestant succession settled. Also, "the proceedings in the two last sessions of Parliament in Scotland have very highly irritated people of all sorts in England. Blessed be the men who will contribute to calm things on both sides." "I fear in the ferment this country is in it will not be possible to persuade people to do nothing. I hope there will be no proceeding to censure laws or persons in Scotland, which I think would be wholly improper, nor to take notice of ministers here, which would be in a manner to justify the popular topick for declaiming in Scotland against English influence. I hope whatever shall be don will be with temper and moderation." [On the same subject, William first Duke of Devonshire writes, on 23rd January 1704–5, also alluding to the jealousies between the two kingdoms.]

243. Letter from "J. Urquhart." Edinburgh, 11th September 1705. Announcing the sudden deaths of the Earl of March and Lieutenant-General Ramsay, both on Sunday in the afternoon. "I am very sory at the ocation of those deaths, for it was after excessive drinking, and the people have a thousand extravagant storys in their heads upon this sad ocation, for ther was not a drinking man in Scotland that they could call to mind but was reported to be dead, as if they had made a tryst to have a drinking bout in the other world; and they spread abroad that Prince George was also dead for good company; and some busy people did impose so upon the surprise and credulity of the people that I never heard such a noise."

244. Letter from Lord Somers. London, 23rd July 1706. "I thought the best way I could take in acknowledging the honour of your lordship's letter of the 29th of December last was to let it appear how very

much I was influenced by it, and therefore I have returned no answer till the treaty was brought to a conclusion. I do not remember that I ever read anything in my life with greater satisfaction. I thought I saw your Lordship before mee all the while; everything being so exactly agreeable to the idea I had form'd of your lordship in my own mind. I saw your generous concern for the vniversal and lasting good of Brittain, your feeling recollection of our many great dangers and deliverances, your joy in the prospect of peace and prosperity to come, and your wise and fatherly admonition to improve the preseut opportunity, and what touch'd mee in particular, your very obliging injunction to mee to vse all the little credit or interest I had to promote an entire union; and to encourage mee the more, your lordship was so good as to declare you beleiv'd mee to have been in some measure instrumental to the bringing matters to the point they were at." . . . "I will not pretend to say anything of the treaty itself to one who is so great a judge. I hope your lordship will find it to be right and as it ought to be, and then I will not doubt of your powerfull assistance in carrying it through the Parliament. I cannot but hope the weight and consequence of the thing will be too strong for factions and parties. The establishing the Protestant religion, the setling the succession, the fixing the monarchy, the seeuring the liberties of the people and setling peace throughout the Island, are matters of such moment as I hope will never be thrown away for a humour or upon any private consideration. I have had time during the progress of this treaty to consider very throughly the state of both kingdoms and to be convinced of the absolute necessity of a union; we cannot stand where wee are. In my opinion if wee do not now become better freinds than ever, wee shall soon be lesse so. This is the only juncture which has offered in an age past, and which no man living can hope ever to see again. God grant it be not neglected, but that amongst the many wonderfull blessings of this year the union of Great Brittain may not be the least. I doubt not of your Lordship's zeal in this matter, and that in a little time I shall hear how happy and eminent an instrument you have bin in making the two nations one."

245. Letter, signed "T. Wharton," probably Lord Wharton. London, 31st July 1706. Explaining his delay in replying to Lord Marchmont's letter of 29th December last. "I was extremely well pleas'd but not at all surpris'd to find that your lordshipp (who hath alwayes been eminent, as well for your good intentions to the publick as for your knowledge and abilitys) should bee soe clearly satisfyed of the desirableness and advantages of an entire vnion between the two nations. I must confesse it was ever my principle and opinion, and I little doubt but that your noble countrymen att their returne will doe me the justice to tell your lordshipp that (as far, as I was able in my little sphœre) I have acted an honest and sincere part in the promoting of it. I can't but owne that the proposition your lordshipp did lay downe in your letter of taking in the assistance of all persons who were known to bee well wishers to this entire union, and of laying aside any exceptions or differences towards the carrying on soe great an vndertaking, is what would most have suited to my reason and to my wishes. Whither that measure were strictly observed or if not, how it came to bee otherwise, I neither know nor can determine; but I will now hope that since it hath pleased God thus farr to carry on so good a work, and that the treaty is brought to soe good an end notwithstanding any mistakes that might be apprehended to bee in the first forming of it, I will hope, I say, and bee confident that every honest man will now lay hold of and

embrace the opportunity which Providence hath putt into their hands (and which in all humane probability can never bee offer'd again) of bringing the greatest advantages imaginable to both nations, of securing the Protestant religion, and the civill rights and libertyes not only of this island but of all Europe." The writer encourages the Earl to further the cause of the union by his "wisdome and influence."

[On the same subject, the Earl of Mar wrote, of date 9th February 1705–6, *inter alia*, "I deliverd your letter to the Queen, she was pleased to tel me your lordship had signified to her that you was for an intear union of which I was very glade, for certainly it is the solid fundation for putting the two nations on one bottome to all posterity, for sattling our present jealousies and humours and to prevent all fears we may have of dangers to our present constitution; and as your lordship is convinced of the reasonableness and necessity of it as well as expediencie, so I hope all good country men and who wish well to our present constitution will come heartily into it. England will hear of no other union thinking them all chimeras and sure Scotland cou'd have little suretie for any advantage we cou'd have by any except an incorporating one wherby we become all one people," &c.]

246. Another letter from "T. Wharton." London, 31st January 1706–7. Referring to the ratification of the treaty, and stating the course of procedure in the Houses of Lords and Commons. "The Lords will alsoe (in the meane time) have under their consideration the bill which will be brought in for the security of the Church of England, which was moov'd for by the Archbishop of Canterbury, as soon as ever the Scotch Act had been read, and perhaps it is fortunate enough that it should take its progresse thorough that house first; where the Bishopps (who bring it in) are entirely well wishers to the union itself, and where there is, I hope, a certain majority that will bee as carefull as possible to avoide everything that may give the least jealousie or distaste, soe that I am confident the opposers of the vnion who laid soe much stresse vpon this matter in Scotland and who built such hopes on the consequences of it, will bee disappointed in their expectations from that stratagem. It is most evident that the Church of England might have rested entirely secure vpon the laws already made, and indeed that nothing that can be put into this law can make it safer then it is. (The same might perhaps bee said as to Scotland.) But as wee are convinced that it was impossible for you to hinder that zealous part of your church to rest satisfyed without the security given them by this Act, soe I am confident your lordshipp will give me credit when I tell you that the bigoted part of our Church would have been in a flame if the same care had not been taken of them. But the candour and confidence which your Parliament hath shewne towards vs in relation to that matter will I hope prevaile with the most zealous amongst vs not to give any manner of ofence or jealousie." The writer concludes by approving the method of election proposed of the Peers and Commoners to be sent up to the present Parliament, and expresses an earnest desire that Marchmont may himself come up.

247. Letter from Lord Somers. London, 11th February 1706–7. Dealing with the subject of the completion of the Treaty of Union, Lord Somers says, "I can never enough commend the firmnes and good temper which the freinds of the Union in Scotland have shewn from the first time that affair was brought before the Parliament, for I cannot but say the opposition was very resolute and artificial and malitious enough. I think wee are very much determined here, and

therefore I hope wee shall have the same successe and in a shorter time. Wee had much apprehension of the difficulty of your keeping your Church in any bounds of moderation, and I congratulate your lordship upon what you have bin able to do. The method taken in Scotland made it inevitable to have such an act here, but I hope you will find it conceived in such cautious and moderate terms as not to give any just occasion of offence in Scotland. And it is at last agreed to in both houses, so that now that nice part of our business is happily over, tho' not without a considerable struggle in both houses here to have added such clauses as were thought not necessary for us, but might have bin very disagreeable in Scotland."

After a reference to the Act of Security and the election of members, the writer continues, "I must not omit to take notice of a matter of great moment mentioned in your lordship's letter of the first instant. It is not possible there should be so great a mistake in England as to think an affair of so difficult a nature, and opposed so violently by various interests as the Union was in Scotland, could have bin brought to a conclusion without a great concurrence of well disposed, wise, and dextrous persons, and therefore it would be vnjust to ascribe the merit of it to a few. As far as I can be informed, the Queen is determined to be fully acquainted with all the proceedings, that she may do justice to all by owning the services as they deserve. I hope this nation and Scotland and all posterity will applaud the happy instruments of vniting the two kingdoms. When wee consider the wonderful difficulties of bringing such a work to passe, wee cannot without astonishment see it brought so far towards a conclusion, and yet if a man reflects on the many disadvantages and dangers both kingdoms lay vnder while they continued two, it cannot but seem strange they could rest so long in a divided state."

248. Copy letter, endorsed by the fourth Duke of Hamilton, who at this time corresponded with Lord Marchmont, "Copie of the laite Lord Belheaven's letter of the 19th of June to me, 1708." "London, June 19th, 1708. . . . Thursday night, we, the prissoners of the thried squadrone, were all examined befor the Committe of Councill, present the two Secretaries, Chancellor, President of the Privie Councill, Treasaurer, and Canterberry. Mr. Mason told me when I came to town upon Munday it was expected that I should at examination make a speech, complaining of the bad treatment I had mett with and desiering to know our accusers, or at least those who gave up our names or were the occasion of this measure of seising so many of her Majestie's faithfull subjects without the least ground for so doing. . . . We [the prisoners] resolved to say nothing, but to ansuer the queries yea or not, or what naturally occurred from the queries. We were examined each man by himselfe and without seing his fellow-prissoners; immediatly after our examination sent home with the messengers, so that none of us knew what was said by his neighbour. Your Grace shall have mine, at least the subject matter of it, tho' neither in forme nor figure as it passed, because, indeed, it wes a kynd of running fight forthought by the Treasaurer and unexpected by me. My Lord Chancellor asked me when I heard of the invasion first. I told him by the publick prints and no other ways. Then he asked me if I had any correspondence or particular knowledge of the thing by any person or messadge sent to me, or if I knew of any who keeped correspondence with France at that time, to which I ansuered, No, upon honor. So I thought of removing, when my good friend the Treasaurer says, My lord, this is a very strange thing that their should

be no manner of correspondence keeped with France when their are so many disafected persons in Scotland; is it possible to beleive the King of France would ever undertake to invade Scotland with so inconsiderable force without having a party willing and ready to joyn him? that such a thing is not to be credited, it choks common sense and reason. And, my lord, said he, I hope your lordship cannot nor will not blaime the goverment for doing their deuty in securing suspected persons, certainly we would have been blamed if we had not done it; and a great daill to this purpose, and after all desiered my opinion upon what he had said. Tho' I was surprysed at first, yet during the continuance of his speech I smoked his designe, that he wes affrayed I should have maid a publick complent against those who had advysed our confynement, theirfor he resolved to be beforhand with me and cry whore first, and soe to bring me to accknowledge that the goverment had but done their deuty in seising of us, or at least to hold my peace. Theirfor I said, My lord, in my humble opinion this is forrane to the matter in hand; I am only to answer questions relative to my own actings, and not to give my opinion of things, especialy of measures of goverment; upon which he urged the same thing over again in great earnestness, tho' in other words and maner of expresing himselfe. Then said I, Your lordship knowes me, and you know me to be a wery plain man and a wery free commoner. Theirfor I shall not declyne to speak as freely as your lordship pleaseth, if it be acceptable to this honorable board. They boued with their heads. Upon which I said I thought their had been no correspondence with France upon this invasion, that I thought none of the prissoners guiltie, and that their wes no necessity for seasing and treating of us the prissoners as we have been used; upon which he desiered I might give my reasons. First, said I, your lordship must know that, befor their were any orders for seising any man in Scotland, Sir George Bing had chased the French fleet from of our coast, wes returned to the road of Leith with the 'Sallsberry' taken, and were lying at anchor severall days. What ground were their then to secure privat peacable subjects, living quietly at their own houses, when the danger was in a maner altogether over? Next, all the prissoners came in willingly; what necessity then to put them all in prissons? Then their wes no acusation, no letters or cephers intercepted or messengers seized, nor any maner of evidence to inferr correspondence at the time of our being secured nor ever since, it being now above three months. It wes reallie a surpryse to the whole nation; if the 'Salisberry' had not been taken most people would have thought it a scham plott; in short, the busines wes over befor the on halfe of the nation had notice of any such thing, wheiras, if their had been a correspondence or invitation as wes at the Revolution, many things would have appeared that might have given light to the thing. But, my lord, it being hard to prove a negative, if your lordship will be pleased to hear such of us in our own case, we will give you such satisfaction as I hope shall convince your lordship of the prissoners' innocency. Theirfor, my lord, I shall not enter into the detaill of every man's case, nor into the reasons of the causes and reasons of our committment, only in generall allow me to say that, considering the persons and caracters, circumstances, tyming, and maner of our being committed and sent up heir, the affair doeth merit your lordships' inquirie. Upon which the Treasaurer said, 'Tyming, tyming,' tuise over but stoped, for which I was wery sorry, for then I had gott ane opportunity to expose the whole treatment, with observations, &c. But presently his lordship said this, My lord, its wery strange, none guilty, no correspondence; pray, my lord, what

doe you think hes engadged the King of France to invade your country with so small a force? this he said with a little warmth. Truely, said I, my lord, I shall give you my opinion; that which hes deceaved England hes deceaved France, your publick prints are full of falsehoods and misrepresentations of things and persons; by the generall opinion heir, all the antiunioners in Scotland are accounted Jacobites, yet it is weell enough known to your lordship that the whole body of the common people of Scotland and the farr greatest pairt of the nobility and gentry were against the Union. Now the King of France, finding this to be so, he had reason to venture a fair tryall for so fair a prospect, and consequently your lordship's opinion of us the antiunioners hes been the occasion of this invasion. And I hope a good consequence in favour of the antiunioners followed upon it, that whoever they be that took us for Jacobits are undeceaved, since I may boldly say we are as good and as faithfull subjects as her Majesty hes in all her dominions. What, says the Treasaurer, are the Jacobits who were antiunioners become good subjects? No, my lord, said I, I say not so, but the Presbiterians in Scotland were generally against the Union, that they were and still are upon a Revolution foote, that the effectuating of the Union hes not changed them from being on the same foot with those in England who are accounted the best subjects to her Majesty and her intrest; and that the Jacobite antiunioners were not so considerable by themselves as that the King of France would have ventured over upon their call, so that, in on word, my lord, I think the King of France hes just done as your woollmongers heir in England doe when they carry over the wooll to France, notwithstanding of the severity of the law they venture still, for if they carry on often they are no losers. France thought, no doubt, but to have surprysed us and escaped the English fleet, and if not, he thought possibly the project would disorder the English measures as much as might compence his loss. After that the Treasaurer said it wes weell it did not succeid, but that he did not find us sensible of the seasonable assistence, for that he hard their wes as much present discontent in Scotland as ever, yea more too. That is only, my lord, because of our being treated thus, said I. Then his lordship said we were much oblidged to the Union for the seasonable help, and he hoped we were now sensible of our benefite by the same. I told him, now that the thing wes done, the antiunioners would no doubt imploy the outmost of our pouer to make it advantagious for the peace and weellfare of the united kingdoms, and that we were her Majestie's faithfull subjects as weell befor as since the Union, and hoped she would always take care of us. Upon this, the Treasaurer said, Do you think England would have been so concerned in you if the Union had not been? Yes, said I, they would do the same. Why? said his lordship. Because of interest, and I doe remember, my lord, said I, I saw Van Gent in the road of Leith cannonading our coast touns, and immediatlie came up a Sir Jerimie Smith almost as ready as Sir George Bing did upon the French; to which he did make no reply, and so I maid my bow and went off. Not on spoak all the time of this conference; the Chancellor and Pembrock smyled severail times. I could not see Sunderland's face, his back being to me, but next morning I sent Masson to enquyre at Sunderland if I had offended in anything I had spoke, and that I suspected the occasion of all this long conference was least I should have sent in ane accusation, and my lord's answer wes that I had not offended, and that he was of my sentiment. . . . We were all bailed this day. Thanks to your Grace. Adieu."

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249. Letter from John Lord Somers. London, 22nd July 1708. A very long letter detailing to Lord Marchmont the resolutions of the House of Lords upon the points raised at the election of Scottish representative peers in 1708.

250. Letter, Mr. Robert Pringle, apparently to Lord Polwarth. Whitehall, 8th April 1710. *Inter alia* he writes, "Your lordship hes heard of the great ferment has been raised here by the tryal of Dr. Sacheverell, which hes indeed been improv'd with wonderfull success, and hes verie much elated a partie whose real inclination we have not much reason to judge to be verie favourable to our present constitution. I shall not trouble your lordship with my reflexions on the behaviour of some of our countrymen in the last part of that affair which did not seem to be of a piece with the rest, but her Majesties speech gives us ground to hope there shall not at this time be those changes of her ministrie as hes been of late much talk'd off."

251. Letter from the same to the Earl of Marchmont. Whitehall, 6th November 1714. " . . . Your lordship's sentiments of the late change are such as everie one who reflects seriously upon the situation of affairs, not only in Britain but indeed throughout all Europe, must necessarly goe into; and if by our own partialities we doe not stand in the way of our own happiness, Providence has once more given us the agreable prospect of a full security of all that mankind pretends to value; and I beleive there is no just measure can be proposed for making this effectual that the King will not willingly goe into; but then I am afraid I have said all, and as he cannot doe of himself, I am afraid he will find the same opposition to his own honourable heat and to his perfecting to us a compleat setlement as the late King did at the Revolution, which none knows better than your lordship. The party nou excluded from the management will leave nothing unessayed to render all measures abortive that have a tendency to promote these good ends. They are numerous, have the clergy on their side, and consequently the people, are at present much at one amongst themselves, which I am afraid is not wholly the circumstance of these whose union would be the surest way of defeating the others designs, so that it may be fear'd the King has left the pleasant possession of much honour with sutable quiet to vieu a very disagreable scene, which must present itself to him from that confusion he finds us in here, and from that humour of partys, animosities, and resentments, in which he finds us so much acted. They are already on the cry of the danger of the Church, though they never had less reason; they lay hold of every step the King and his ministry are obleedged to make for rectifying the mistakes of the former, if they may not deserve something harsher than to be called mistakes, to infuse into the people an apprehension of a new warr, which, under the pressure of such debts as are already contracted, cannot be very agreable. These are the arts of which they serve themselves to influence the elections; if they succeed they will be very uneasy and make the wheels goe heavy, otherwise we may hope the King may have an opportunity of setting things on a good foot. These are all my present speculations. As to the particular management of what relates to North Brittain, I must referr your lordship to the hands I have already named. I am only afraid the divisions that appear amongst our great men may stand much in the way of any just expedient might be propos'd for a redress of the grievances our peers and others have mett with since the Union."

252. Draft circular letter, dated Dunse, 25th July 1715, by the Earl of Marchmont, as sheriff principal of Berwickshire, intimating a threatened invasion by the Pretender and the preparations made by the Government. "His lordship therefore orders me to acquaint you to meet with the other justices within your district as soon as possible, and in the meantime to look watchfully about and observe carefully what happens in your bounds, and to cause the peace be kept, and immediately secure any person you are doubtful of, and seize upon any arms found in the houses of such persons."

253. Letter apparently from Alexander Lord Polwarth to his wife, dated London, 20th August 1715. (O. S.) Chiefly announcing the death of the French king [Louis XIV.] "on Teusday last the 27 new stile about eight at night, and could not possibly have died in a more lucky time for our afairs."

254. Letter from James Stanhope, Secretary of State, transmitting to Alexander Lord Polwarth his instructions as Lord Lieutenant of the county of Berwick. Whitehall, 27th August 1715.

255. Letter from Adam Cockburn, Lord Justice Clerk, to [Lord Polwarth]. Edinburgh, 11th September 1715. Intimating the meetings of noblemen in the north and the setting up of King James' standard at Braemar, by the Earl of Mar, who "persists with great keennese in his designe. Whether the defeating the design, Thursday's night, they had on the castle of Edinburgh will put a stope to their march southwards I doe not know. The designe on the castle was very well laid, it was discovered about nine at night, and as they had concerted they begune to putt it in execution between 11 and 12. They were actually getting their ladder drawen vp by a sentinell they had corrupted within the garison. We have gote the ladder and other materials with a number of arms they left when they rune. The Highland men, above 20 of them were at Kinross nixt day ere they halted. We are bussied to find out the plotters; there are severals taken vp; some were seised, one comeing from the wall with a fire lock in his hand without hat or wige, they call Captain McClean, another, Leslie, taken at the root of the wall, mistook the town guards for some of their own folks and gave the parolle which was St. Andrew. Had the castle been taken they were to a given the signal by three rounds of the guns, all their friends, were to hasten hither and the body of the Highland army was to march presently for the south," &c.

256. Copy letter (not signed) dated from Perth, 11th September 1715, enclosed in a letter to Lord Polwarth. "The repeated advices from all pairts assure us that the Earle of Marr hath now about 2,000 foot and 500 horse in forme. The Marques of Huntly had rendevouzed yesterday at Badenoch. They are to joyne the morrow and these tuo will make 10,000 good, besides, they expect Seaforth and the other clans, and Teusday they are to encamp at the Muir of Blair. For that end their Commissary came on Fryday night to Coupar of Angus and ordered two oxen and ten sheep to be ready the morrow and fiftie boolls old oats for horses. They give out to their freinds theyll give Pearth a breakfast Wednesday nixt; wee doe expect it, and are in great pain since this day wee are advysed from General Witham that he cannot move till the Duke of Argyll comes. . . . Our dreads are great and ye may judge the consequence, especially since hostility is actually begun, for wee have intelligence that Invercaull's house was to be burnt

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this day upon Marrs parting from it. Bosewell of Balmouttie this morning was soe rude to make open a letter from the Duke of Athole to his shereff depute which he forced from a boy goeing with it express to Kilgrastoun. This was that gentleman's first warlike action in his redd to the northern camp. Many are passing north with arms, tents, &c. The Government seems to abandon us, but wee must trust in God for his mercy in a good cause and venture one fire, and I beleive I shall be a warlike man myselfe in my old dayes tho nature now seems to have formed me for courtlieness. Adeiw." [There is also another copy of a letter addressed "To the Magistrats of Perth," giving details of the leaders and intended movements of the rebels, and which concludes thus: "They fear no forces, and are to go straight about Stirling and to Edinburgh, and by the by to take notice of the Magistrats of Perth, and are positive to have a party in that poor town that will open the ports for them. They have assurances thereof from their friends within the town. They may understand who went out from them this week, ask and see, but if this should faill by any regiments being brought there or otherwise, they can fill their ditches with corns from the fields. This is no jest, they will need to look for the worst."]

257. Letter from "George Drummond" (afterwards Provost of Edinburgh) to Lord Polwarth. "Munday, one aclock, 12th September 1715." Giving some reports of the rebel movements. He also states that in expectation of a second attack on the castle of Edinburgh "a lieutenant and 24 men of the town guard with 30 of us went out and kept guard at the back of it all night in Livingstouns yards, but we had the pleasure of coming into town safe in the morning without having seen an enemy. . . . On Saturday, one of Arthur's accomplices called Johnstoun, an old servant of Leven's, was apprehended in the town; he confesses he was with him Thursday att 9 att night, went in quest of him att the back of the wall att 11, says he mist him, owns he lay att a stouk side all night, but will go no further. He is in close prison feeding on bread and water. The other centinell confessed all on Saturday, but the corporal continues yet a disingenuous dog."

[Mr. Drummond encloses a copy of a letter, not dated. "Upon Fryday last the Lairds of Invercall and Abergeldie deserted and went off from the Earl of Marr, having refused to go along with him to the hazarding of their lives and fortunes, upon which his lordship threatned to burn Innercall's house. In two days, thereafter, the other gentlemen of the name of Farquerson in that country, being Innercall's friends, went of likeways, save one, who is a Papist, so that he has none of the heretors of Braemarr but two. The Earl, after all finding that Innercall had taken privately out his arms and what ammunition he had in his house of Innercall, wher his lordship is staying, seazed the laird's officer who carried it off, and threatned to hang him, but the guard let him slip through their fingers." The letter also reports that Mar's men were summoned to meet with six days' provisions about two miles from Invercauld, where he was then staying "guarded by 60 men. The men belonged to Innercall and his friends are with the rest (being threatned to be burnt) tho' they are not very cordiall, their master being fugitive in the matter, neither doth the Earl trust any of them to gaurd his person. . . . If the Earl do kindle fire in Innercall to burn it, he will be stronger than he yet is. That laird designs to attack his lordship with all his friends who will be stronger in that place than his lordship if he get no more than he yet has."]

258. Letter to Lord Polwarth, endorsed as from "Mr. Martin," 14th September 1715. Apparently from Edinburgh. That all was quiet

there, notwithstanding the alarm. That the Grants were "up in armes," resolving to stand their ground, as they had been threatened with fire and sword if they did not join the rebels. It was reported from Dundee "that most of the weell afected people there wer leaving the place, haveing shipt off their best effects for this, and Meggins [Megginch] comeing in from Perth gives the same account from that place. I was this night with one Captain Douglas of the Fuzeliers, who came from Sterling this morning, and gives ane account that all was quiet with them, and that there had not one man deserted from any of their corps since they encamped there, nor yet upon their march, tho we wer much nois'd here with the contrair account-," &c.

259. Letter to Lord Polwarth, signed "Will Hay." Dunse, 17th September 1715. "My lord, I have had the honour of yours, which is in a different strain of any I ever receaved from those in the Government formerly, who were pleased still to look upon me as a weell-wisher to my countrey and as no disturber of the peace therof, which I hope I shall still deserve. As for failing in my duety in not obeying a legall intimation for compearing, your lordship will be pleased to consider that the intimation and lawes of the nation comprehends only those betwixt sixty and sixteen, of which number I cannot pretend to be. As for the people of this place, I hear there were betuixt two or three hundreth yesterday who attended your lordship, though in the heat of their harvest, and, indeed, I did not know there were so many in the bounds. A walking sword is all the arms I have, neither musquett, gun, nor pistoll; I have six coach horses, a riding horse, a stallion, none of them of great value, and four or five work horses. If it give any umbrage to your lordship I shall in all submission dispose of them, and if your lordship have any further commands they shall be readily obeyed," &c.

260. Certificate by Sir Alexander Cockburn of Langton and two other Justices to Lord Polwarth. "Dunse, 21st September 1715. My lord, the bearer hereof, David Methven, hes agreed to goe as a souldier in this detacht party of the militia in lieu and place of one Robert Brown, one of those listed for the parish of Eccles for Mortonhall and Harcarse interest in that parish. Wee are of opinion that David Methven is a very sufficient man, so, if your lordship please, Robert Brown may be dismist and David Methven listed in his room." [Another document of a similar character, dated Greenlaw, 26th September 1715, certifies "Alexander Trotter in Chesters is earnest he may not com up till the nixt batalion march, considering he can not be understood, he stamers so ill, and that all the cumpanie hear wishes your lordship wold excus him. I likways plead for him," &c. "W. Carre." There are also other letters from various landowners and Justices of the Peace, showing the difficulty of raising men and money.]

261. Letter to Lord Polwarth from his father the Earl of Marchmont. "Redbreas Castle, Saterday the 1st of October 1715. I have credible intelligence that from the east border severall well mounted men in companys of 12 or twenties, and Tuesday last in the night sixty together rode through Lamermuir, asking the way for Lochariot, a place near Borthwick Castle, and from that to some places upon the water of Esk near which the houses of Drayden, Roslin, Dalhousie, and Hawthornden stand. Perhaps they are lurking there for advice from the rebells, whither to go and what to attempt. You

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will make the best use you can of this account, which is all that I can give you at the time. I pray God to preserve and guide you and all our friends there," &c.

262. The Earl of Marchmont to Lord Polwarth. Redbraes, 6th October 1715, forwarding an express from Berwick, intimating a rising in Northumberland, "I immediatly advertised the deputy-lieutenants, and shall do what I can for the safety of my children and family, and keep as strong a guard about my house as I am able. Adieu."

263. Letter from Fort William without signature or address, about the gathering of the clans.

"Fort William, the 16th October 1715. The 22nd of September Glengary, after haveing by a treacherous sort of stratagem surprized the King's guarnison in his house, march'd with about 600 of his own men and of the Grants of Glenmorison and Urchart through the braes of Lochaber to Glenurchy, where as I am informed he is still waiting till he be joined by the other clans in our neighbourhood. McDonald of Clan Ronald, haveing in the same maner and much about the same time surprized the King's guarnison in his house of Castle Tirholm march by the 30th to within two myles of this place with near the same number of men, and took the same route.

"October 7th. Stuart of Appin march'd from his house with about 400 men ill armed, and was joined next day on his march by McDonald of Glenco with about 60 and march'd to Glenurchy.

"October 13th. Sir John McLean haveing gott about 300 men out of the Isles of Mull, Col, and Tyry, and out Keanlochallan in Morvan, and being joined on his march by young Ardgour, a gentleman of his name, with about a 100 men, passed at the current of Ardgour 7 miles from this place, next day passing that of Callart pursued the same route through Glenco. Cameron of Locheal and McDonald of Keapoch are now the only two in our neighhourhood that have not yet raised there men. Its above a week since Locheal went to Morvan to raise his men there, in order, as he returns, to raise his men and the Marquis of Huntly's in this country, who are ordered by their master to join him. Bot as he is not yet return'd, and that there are endeavours used to take him off, I can at this time write nothing certain about him. Bot if he doe not rise himself, I beleeve few or none of Huntly's men will stirr, they being generally of his name and family, and 3 of his principall vassalls here having declared they will not rise against the King, viz., Callart, Glennavis, and Kean Loch Leven, all Camerons. So that tho' he gives out that he will raise a great number, yet considdering the backwardness of the above named, and others of his inferior chiefs, principally upon the account of the neighbourhood of the guarnison, I'm of the opinion he will be able to equall Clan Ronald. If he be prevailed upon not to rise, what Keapoch will doe I cannot say, bot if he does Keapoch is to join him in the braes of Lochaber, and both to march to join these already march'd in Glenurchy. Al these when joined are to be commanded by Major Generall Gordon of Achintoul, and, as it is said, are to invade Argyle's country, in order to favour their friends in that country. Bot as Auchinbreck and Lochnell have declared themselves for the King they can expect few or non there. Sir Donald McDonald raised his men much about the same time with the captain of Clan Ronald, as is said about 300, and being joined by the Laird of McInven and 300 of the McLeods, and the Chisms of Strathglass, march'd towards Inverness to join Seaforth. Against him the Earl of Sutherland, with the Rosses, Monro's, Forbess's, and other friends of

the Government are makeing head. Bot what is doeing in that country your lordship will certainly know better with you then we cane here, all communication with Inverness being taken from us."

264. Letter signed "R. Douglas," apparently to Lord Polwarth, Seaton House, 20th October 1715.

"My Lord, nothing from the enemy has occur'd to alarm us. Wee have employed all this day in heaping stones against the doors of the parks and gardens, and securing the avennes. But it was with the greatest difficulty we cou'd get the men to work; they are full of a notion that the Highlanders are just returning, and make a constant clamour at their being so few for defending this place; my endeavouring all I cou'd to make them behave like soldiers has been in vain, for when we threatned to punish them they threatned us. If, my lord, it be judged necessary to secure this place, with submission, I'm of opinion 50 men shoud immediately be ordered to us. Our two subalterns are simple and spiritless in their behaviour to the men, and the men have no manner of respect for them. If we are to remain here, I wish we had two others in their stead," &c.

265. Letter unsigned, dated from Redbraes, October 21st, 1715, apparently to Lord Polwarth.

"My Lord, the rebells came to Longformaughcus [Longformacus] on Wednsday, and if yowng Lanton hade not mette them they were sending a pairty to burn the howse and all that belonged to you, bott he preveail'd with them for that night, invited them to hes hows, treated them noblie ther, drank them to the fulle, and gatt their promis that non of ther men showld truble aney thing that belong'd to yow, soe there is none of them come near ws as yett. Ther is three 100 horse come and joyned them this day att Duns from Coldstrame, and abowt eight of the cloke ther came three officers and a sergant, mead cearch for horse and tooke awaye the Mortin horse which was new come from Berweek. Aitton's man Clunie was with them. The gentlemen were very civell, but the seargent, a roode fellow, brok Patt Dickson's rowme, brook up his chist of drawers with a broad sweard, took all thei cowld find for them. William Grive sent an express this night that ther is a 100 of the rebells to be heair to morow, thers above 3—1,000 foott and horse, and ar to merch to-morow bake the way they cam, for thei heave gott letters that Marr hes taken the brig and given Argyll the foill. The peopell ar mightlye affryed of them."

266. Another letter from the same correspondent, dated 22nd October 1715, addressed "To Madame Keear," but intended for Lord Polwarth, with further intelligence of the Northumberland horse who had come to Dunse. "The neames of the officers and the number of men is 4 hundreth, the neames of the gentllmen of Tiviotdeall and March, Clifton, Blakhill, Bowehill, Hennan, McKeaston, several that I cannot remember. I signified to yow in my formere the names of the Highland officers. This day is given wpe to me a trew liste by sertinge information that ther is eight 100 horse to joyne them in Fowgow-mure commanded by the Earll of Wunton [Winton], and then to march to Kellso and to pilledg and destroie the town—this was Brigadiear McIntoshe expressions—and alsoe to march to Edinburgh straught, with maney greatt oaths they shall be maisters of it within a few days. Now my purpose is to stay heare and behold ther motione, for I resolve to be amongst them this day. They ar pilliging all the cowntrie for horses."

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267. Letter, not signed, addressed to Mr. Patrick Dickson, Secretary to the Earl of Marchmont, giving an account of the battle of Sheriffmoor. Edinburgh, 15th November 1715. "Sir, I wrote to yow yesterday a short account of what hes happened in this place, but the following account will make it more clear and true. Sir, Argyle having formed his small army on Sunday morning last [the 13th] in verry good order upon ane riseing ground or hill above Shirreffmuir, the rebells under the Earl of Marr being formed marched and extended themselves in way of circle as if they designed to surround our army, which obleidged his Grace the Duke of Argyle to alter his grounds and to make a new disposition of his army, and in forming of it the second tyme, the right wing of the rebells attacked the left of ours before they were formed, the forming of the left as is said being committed to Generall Evans while his Grace formed the right. In this conjuncture the rebells, as I have said, attacked our left, and not being formed put them in disorder. They first attacked Shannans regiment of foot, who to their commendation briskly repulsed them, and then attacked that regiment of foot which was Webbs and as I believe now Morisons and that of Orrarys, who both gave way; and the Highland rebells, consisting of the clans who were not only their best men but of triple the number to our left, went quite thorrow them and made a considerable slaughter of our men. The two regiments of dragoons of Carpenter and that which was Ecclines gave likewise way, but indeed intermediat, and supported these foot and stopt the clanns from further slaughter of these two regiments, and carried off our own cannon that was on that side alongest with them. But the malure was that these troops retired for the most pairt of them to Stirling. In this action was the greatest loss on our side, besides the loseing of our collours and standards. The right of our army (where the Duke was) and the main body pushed the rebells intirely to a rout before them, and persued them for some miles to Allan Water, in which the nobility and gentry of the horse volunteers acted worthy of themselves, and without vanity bore their own share in that victory, and even bore their share of the rebells fire in their attack upon that of Forfar and Wightman's regiments; and tho Evans's dragoons were in some litle dissorder, it was not throw occaision of the enemy, but through the deepness of the marish ground, which was near to have bogged their horses. But then, in a moment, they rectified themselves by a sudden and short wheeling and comeing up again to a more propper station or ground. They then performed as could be disired. In the persuit on the right of our army of the left of the rebells our volunteers gott the gentry of them the best quarters. It would seem by our account that his Grace the Duke of Argyle was in the persuit, for which our weell affected criticks blame his Grace. Because that the 4,000 of the rebells that retired with Marr to the hill at a miles distance from the feild of batle and who were to have been of new attacked was obleidged to be given over, first, upon the account that the left had retired as above, which his Grace did not know off, and which he must have knowen if he had not been upon the persute, and nixt that his Grace had a morrass to pass in order to make the second attack upon that hill.

"As to the particulars of the slain and wounded on either side is yet uncertain, since we have had noe intelligence what accounts Collonel Kerr hes returned of the killed, being ordered out with a detachment to cause buiry the dead on both sides, tho perhapps Briggadeer Harrison (a volunteer) who is gone express from the Duke of Argyle may carry it with him in his Grace's letters and who carries in his clogbag the

rebells pretended royall flag. But, at the same tyme, I cannot ommitt to give you what I have collected, that on the rebells side there is said to be killed with some certainty the Earles of Marishell, Strathmore, and Southesk, and with uncertainty the Earles of Linlithgow and Aboyn; of their gentry, killed, Lyon of Auchterhouse, and it is said Sir Robert Gordoun of Gordonstoun and the Laird of Keirr. And of prisoners, Barrowfeild as I wrote before, Glengarry as they say, Loggiealmond, Murray of Auchtertyre, younger, and many others of whom both killed and wounded ye shall have account by nixt. And on our side of note killed are Livtenant-Colonel Lorraine, Captain Arnot, and Captain Armstrong, who was edicamp to the Duke of Argyll. Of wounded, that brave and worthy young gentleman, the Earl of Forfarr, being shot in the knee-lid occaisioned his being taken by the rebells, and who unmercifully, after he had gotten quarters, received eighteen wounds in the head and body, and not being able to carry him off was brought into Stirling, and declares that most of the wounds he gott after he was taken prisoner from that ingrained rebell the Viscount of Kilsyth. I pray God he may recover tho there is litle hopes, as there is of Colonel Halley, being shott throw the body, and of Captain Urquhart of Burdgeyeards, being wounded in the belly after made prisoner soe as his puddings hang out, and wee have it in town that Captain Cheisly, after he was taken prisoner was ript up by the rebells; and of all the volunteers I doe not hear of any of them that was soe much as wounded except Mr. Charles Cockburn, the Justice Clerk's son, who is shott throw the arm. For Isla I wrote formerly off him, and the wound he received was through the fleshy pairt of his arm which likewise slightly wounded him in the side. On the Munday morning (the left of our army haveing returned) his Grace designed a new ingadgement, but as a great many of the rebels did intirly desert and fly upon Sunday, soe the body of them that fought were before the break of day retired towards Pearth, which is all the account I can give you at present. Only that Argyle with his army went all in to Stirling on Mundays night after he had sent out severall pairtys in quest of the disperst rebells; and least I forgott it in my last it's bot litle trouble to acquaint you again that all the rebells cannon and most of their standards and collours were taken. Adieu." [The writer refers to the defeat of the rebels at Preston.]

268. Letters of George Crawfurd, author of "The Peerage of Scotland," "Lives of the Officers of State," &c. He was a brother of Crawfurd of Cartsburn, and married Margaret, daughter of James Anderson, author of the "Diplomata Scotiæ." In his first letter to the Earl of Marchmont, which is dated at Edinburgh, 23rd January 1717, Mr. Crawfurd says:—"My Lord, I had the honour of your Lordship's some time agoe, wherein you tel me you have remarked some errors and mistakes in the printed sheets of the Peerage relating to your lordship's family. I'm glad your lordship saw and perus'd those memoirs before the book was published, that your lordship, certainly the best judge in the matter, yourself might have the opportunity to make the alterations and corrections such as your lordship should think proper, to which I shal most humbly and wilingly submit, and very read[i]ly own my mistakes and alter them at your lordship's own sight and to your pleasure and I hope satisfaction; and now that I have brought the book til within fiveteen or sixteen she[e]t to conclude the whole work, I most humbly intreat your lordship wil be pleas'd to transmit to me the alterations you intend that the sheets m[a]y be again reprinted that I may not be any longer retarded in the course of my printing; for I

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have been expecting to have had the honour to hear from your lordship every day this month past; for I presume your lordship m[a]y know that the delay of one sheet puts a stoop to the whole work, because I do not know precisly how much less or more room the alterations your lordship intends wil take up," &c. He further adds, "I shal very faithfully reprint the sheets whatever th[e]y m[a]y amount to upon my own charge, for I shal aluays own your lordship has very handsomly rewarded me for any pains or trouble I have been at in framing the history of your lordship's noble family, which I shal aluays with great thankfulness own and accnoledge. But evry body knows your lordship is a common patroon of all kind of learning and good frind to learn'd men, tho' I am farr from thinking I deserve to be reckon'd one of that number." "In the 'Lives of the Lord High Chancelours of Scotland' which, God wiling, I'm immediatly after the finishing of the Peerage to publish, your lordship may depend on all justice from me there, where I'm not so much confyn'd as I'm in a peerage, and wil be much more ful upon your Lordship's life then I can be in that kind of writing your lordship knows I am now engaged in. Since I had the honour to see your lordship last I have had the perusal of the chartulary of the Nunry of Coldstreem, where mention is made of one or tuo, if not more, of your lordship's ancestors of the Polwarths of that ilk, which I tooke notes of, and when I reprint the sheets of the family I shal adde whc of them ar proper for the further illustration of the honour and antiquity of the family. Mr. Anderson presents his most humble duty to your lordship as I presume likewise to do myself," &c. "Geo. Crawfurd."

The PRIVATE CORRESPONDENCE bearing on subjects of HISTORICAL INTEREST, 1676—1717.

269. Letter from Henry Lord Cardross to Sir Patrick Home, Edinburgh Castle, 20th September 1676. ". . . I doubt not but you have or this heard of the Counsells denying me both ane absolute and temporary libertie, though the same day they offered undesired that to others which was refused to me, I assure you without much regrate on my part. I have been informing myselfe where the best accompt of the transactiones from the year 1630 to 1640 may be had, and I am told it is noe where better than in Mr. David Calderwood's History, the autograph whereof, it never haveing been printed, is in Mr. Robert Kerr, minister of Heddingtoun, his possession, of whom I doubt not but you may have it," &c.

270. Letter initialed "L. R.," and addressed to Mr. Robertson at Mrs. Burt's, near the Arch in Crutchet Friars, London. Ediuburgh, 29th January 1689. "Sir, I have received two from you dated the one January 15th, the other 21st, for which I am your debtor. I presume not to give you my opinion of the conduct of affairs with you, but earnestly wish you the Lord's blessing and direction, and that you may be preserved from all inconveniences. I am heartyly sorry to hear that so many are acted with so bitter a spirit of falsehood and malignity. I hope God will defeat their wicked designs and discover their malice and lyes to their shame. There is no disorder nor outrage committed by any called Presbyterian in this country, but the mountain men and these far lesse then they are represented. True it is, they have desired the curates in the west to withdraw, and lately the ministers of Glasgow (as I am informed at their instigation) did take one Mr. Mill out of the

church or stopt him when going into it, and as I heard did some violence to his person, but he is now in perfect health as I am certainly informed by one that came thence but two dayes agoe. They went also to my Lord Traquair his house, but their carriage was such (though yow know I never could justify them in most of their behaviour) that I cannot but say it was civil, since my lady herself did commend them for their civility, as a person who got account of her letter she wrote to an acquaintance of hers here told me, that when they came to the house they found my Lord's closet open and a bag of money with some gold on the table, upon which he that commanded them lockt the door and gave the key to my lady, and when she offered them wine he forbid any of them should drink it, least it should intoxicate them, and they in their drink should commit disorders ; so that all they did was to take the consecrate things and to carry them to Peebles crosse and burn them; and what was of silver, as some little things were, they gave to the poor. This is my lady's own account. They came also to a curate's house whose wife was lying in childe bed, and she fearing her husband's danger got up. They desired her to go to bed again and said they designed him no harme, only advised him to remove if he consulted his own safety now they gave him warning. These are the greatest if not all the disorders that I hear of, and I believe I hear of most that is done in the countrey. Now, Sir, though I must say upon my certain knowledge and acquaintance (and I presume to say I know the west and south of Scotland as well as any) the generality of the people wish the curates were off, as men generally of debauched lives who were intruded on the people against their conscience and continued against their affection ; yet I must further adde that considering the violence hes been practised upon the poor people by their means when they brought out bloody souldiers on them and occasioned the shedding of their blood like water, it is a wonder that now when we have no master, people are kept from outrages and from falling on such as have violently shed the blood of many with lesse regard than if they had been beasts. And I marvell how these gentlemen have the confidence to complain of the turbulence of Presbyterians when many of them may remember what their cruelty hes been. I have seen the grave of a poor honest man who was shot like a dog at his own house end without doom or law and without crime committed against their own law save non-conformity, his poor wife looking on and beging his life with an infant in each hand and her belly big with the third. I have been near the place where women were tyed to a stake within the sea mark till the sea overflowed them, when the stroke of every wave coming on them was as so many repeated deaths. I have been on the place where a curate going along with the souldiers and falling on a man who had the Bible in his pocket said 'This must be a rogue, he carryeth the Bible about with him.' I have been on the place where souldiers brought out by the curate murthured the husband and left a widow with seven fatherlesse children. When innumerable such instances of cruelty committed without any sentence (beside what was done by forme of law) are recent in poor peoples' memories, is it not a wonder that they break not forth into rage and revenge against the instigators to and actors of such crimes. But, Sir, I can assure you Presbyterians are quiet, waiting till God appear to execute justice to whom vengeance belongs. But malicious enemies upon pretence of fear from the mountain men, which is altogether groundless, are making trouble here. For the colledge of justice as they are called have been in arms these days bypast I can guess at no other end but to disturb the meeting houses where a fast was keept last Lord's day, yea, some of them said

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they should now pull down the meeting houses, and I believe they would have it thought that the people of this city are not dissatisfyed with the prelates, but, Sir, the contrair is known, though they will not break forth into tumults to thrust them out. I am probably, I may say certainly, informed that men are secretly levied here for his Majesties service; what service that can be I know not, but upon all I must make this reflexion, that our tryall seems to be [not] yet over. God prepare us for what is his good pleasure. We have lookt long for your coming and expected some party should have come hither. and that a Convention should have been called which might have installed his Highnesse into the Government, which I beleeve any Convention would do, and that then he would have taken the management of affairs into his own hand, for we fear that if we have a Convention chosen by our present tested magistrates we may expect little good from their hands. But the work is in God's hand and to him we desire to look. I can adde no more being weary with writing. Be pleased to give my humble service to my Lord Cardrosse, to Polwart, to Mrs. John and Charles Erskine, and other my dear commorads with you. The Lord bless you all. I purpose to see your lady as soon as I can, and shall deliver your commission. I am, dear Sir, your most affectionate and humble servitor, L.R. I beleeve our addresse may be at you befor this comes to your hand. I fear it be not altogether satisfying, but I hope the haste and the confusion of the time will excuse its defects. Again adieu."

271. Lady Grizel Hume, wife of George Baillie of Jerviswood, M.P., to her father, Patrick, first Earl of Marchmont. "Edinburgh, 17th July 1711. My Lord, . . . It's talked here that the Queen is not to make a secretare in Queensberie's place, and that Duke Hamilton had gone imediatly upon the first news of his death and told the Queen of it and askt his place, but did it with so litle concern for him that she was offended at it, and when Mr. Boyl came to tell her of his death she said she had heard of it befor, but in such a manner as did not please her. It's talk'd she could not keep herself from crying when she was told it. Jerviswood writes nather less nor more about it nor a word of news. He came of from London on Wedensday the 11th, was a night and a day with Roxburgh at his country house, and came to Scarsburgh on Saterday's night last and will be home on Friday the 19th, but forbids me to say anything aither of his being in Scarsburgh or time of his home coming. What reasone he has for it I know not. I shall look if I have Hapburn's account; if I have it, its like it is at Mellerstaines. I have been mighty bussie this two days, for our bussiness is to be reported to-morrow, but I doe not expect ane end to it this session. . . . I am, my Lord, your most obedient daughter, Gris. Hume."

272. Letter to the Earl of Marchmont from George Baillie of Jerviswood. October 17th, 1717. *Inter alia* he writes, "There is no newse, but I shall tell you a story for your diversion. The Pope, it seems, when he gives audience to foreign ministers has a little table by him with a bell upon it which he rings for his servants when the audience is ended. Count Gallas, the Emperor's Embassador, having been admitted lately to ane audience, did press his Holiness so hard upon the affairs of Italy as put him in such a commotion as occasioned the shaking of the table and ringing of the bell, whither designedly or no is not known. However, the servants came in, but the Pope bid them retire for what had happened was accidental. Count Gallas not being

satisfied with this excuse, or perhaps willing to make a quarrel, told the Pope that he perceived his presence was not agreable to him, and notwithstanding of his entreaties withdrew, kicking with his foot his stool up and down the room."

273. Holograph receipt by Patrick, first Earl of Marchmont, to his daughter Lady Grizel Baillie, for 150*l.*, dated 31st May 1720. This receipt bears out the fact that the ex-Chancellor Marchmont in the latter years of his life removed from his paternal mansion of Redbraes Castle, afterwards Polwarth House, and that he ended his days at Berwick-upon-Tweed at a new mansion which he called "Marchmont House," "and my now dwelling place," as he styled it in the receipt. The Earl's tender affection for his "dearly beloved and kind daughter" continued to the close of his long life in 1724 at the age of 84. Lady Grizel Baillie is well known for her heroic conduct in carrying food at midnight to her father when concealed in the family burial vault under Polwarth Church. Her daughter, Lady Murray of Stanhope, wrote a very interesting account of her life, which was published in Rose's Observations on Fox's Historical Work in 1809, and was re-published in 1822 by the late Mr. Thomas Thomson, then Deputy Clerk Register. A few ballads by Lady Grizel Baillie have been printed in several collections of Scottish songs. She was authoress of the song, "Were na my heart light I wad dee." Lady Murray had a book of songs by her mother when in Holland. Lady Grizel died in 1746, in the 81st year of her age.

WILLIAM FRASER.

Edinburgh, 32, Castle Street,
3rd February 1893.

REPORT ON ANCIENT CHARTERS IN THE POSSESSION OF THE RIGHT HONOURABLE CLAUD EARL OF STRATHMORE AND KINGHORN, AT GLAMIS CASTLE, IN THE COUNTY OF FORFAR, BY SIR WILLIAM FRASER, K.C.B.

Section First.

MSS. of Earl of Strathmore and Kinghorn.

The collection of charters here reported is limited in number, but it is very select and of real historical interest, extending from the time of King Robert the Bruce on civil affairs, and from the earlier time of King William the Lion on ecclesiastical business.

The collection may be divided into two sections, the first containing charters relating to the family of Lyon of Glamis, ancestor of the present Earl of Strathmore, and the second containing charters relating to the Abbey of Jedburgh and the Priory of Restennet.

The earliest charter, No. 1, in the first section, is granted by Robert Bruce, Earl of Carrick, and Lord of Annandale, in favour of Alexander de Keith, of the lands of Longforgan. The charter is undated, but was granted between the years 1295 and 1304. This charter is beautifully engrossed and apparently in the same hand as the charter by King Robert the Bruce to James Lord of Douglas of Jedburgh, dated 6th May 1320, which is lithographed in the Douglas Book, Vol. III., p. 355. In the year 1315, when Bruce was King, he granted another charter of part of the mill of Longforgan, in favour of Alexander Keith, who is therein named as "his beloved and faithful."

This charter, No. 3, is interesting as showing that at the date of it, 1315, the year after Bannockburn, the resignation of the subjects granted to Keith was made by John Glastreth, the former owner, at Tarbat near Louchfyne, before many magnates. The King was there on a visit to his Highland home, in his visits to which we are informed by Barbour that he followed the example of King Magnus Barefoot of Norway in being drawn across the isthmus of Tarbert in his galleys.

A third charter was granted by King Robert Bruce to the same Alexander Keith, again described as "his beloved and faithful," No. 4. From that charter it appears that Alexander Keith had no heirs (male) of his body as the lands were to pass to his daughter Agnes, and William Avenell, styled the King's cousin, and the heirs to be lawfully begotten between them, and failing such heirs, the lands to return to the King. The charter, No. 4, commemorates the presence of the King at Berwick-on-Tweed, which seems to refer to the Parliament or Council held there in November 1324. The fact that Alexander Keith was thus in attendance upon the King on important occasions seems to suggest that he belonged to the royal household. But Keith has not been identified as a member of the "mighty men of lineage," as Wyntoun calls them, of that name who long held the hereditary office of Marischal of Scotland. In the time of Queen Mary, William, the fourth Earl Marischal, possessed landed property extending to 270,000 merks of yearly rent. These lay in so many counties that he could travel from Berwick to the northern extremity of Scotland eating every meal and sleeping every night upon his own estates.

The charter, No. 2, now reported, granted by Walter, Steward of Scotland, son-in-law of King Robert Bruce, through the marriage with the Princess Marjory Bruce, is interesting as one of the very few charters preserved granted by the Steward during the brief period he held office between 1314—1318, and also on account of the beautiful seal of the Steward of Scotland described under the minute of the charter. The grantor of this charter was a worthy son-in-law of Bruce. At the decisive battle of Bannockburn he performed such prodigies of valour on behalf of his father-in-law that the historians of the Stewart family record of this Stewart that if he had lived longer he might have equalled Randolph and Douglas, but his course of glory was short.

The charters, No. 6 to No. 12 inclusive, relate to Sir John Lyon of Glamis, Chamberlain of Scotland, and his wife, the Princess Jean Stewart, daughter of King Robert the Second. The present Earl of Strathmore and Kinghorn is the representative of this royal alliance. The charter No. 6 by Queen Euphemia Ross is very interesting as almost unique, and her armorial seal appended to it is of rare occurrence. The charter No. 10 is granted by William the first Earl of Douglas and Mar, and affords one of many other proofs of his holding both these earldoms and giving the precedence to the Douglas title.

The writ No. 13 affords an instance of a surname being adopted in the fourteenth century by a certain Osbern being styled of the Irons evidently from his trade of barber. He afterwards acquired a piece of land named Thornton and was then styled Osbern of the Irons, laird of Thornton. But his son in the following century dropped the style of Irons and became simply John of Thornton.

Section Second.

The second section of this Report introduces us to some of the few extant writs relating to the old Priory of Rostinoth or Restennet in the county of Forfar. It stood originally upon an island in the loch or lake of the same name which has since been drained, occupying, it is believed, the site of an older church founded by St. Boniface in the beginning of the seventh century. As we learn from the charters now reported on the Priory was dedicated to St. Peter, and the monks belonged to the order of St. Augustine, the same confraternity who occupied the abbey of Jedburgh. The date of the foundation of the Priory of Rostinoth is not known, but it was probably in the reign of King David the First, who, as we learn from No. 26 *infra*, granted to the prior and canons twenty shillings yearly from the rents of the burgh of Monros as well as the teinds of these rents. The Bishops of Brechin had received a grant for their church of an annual rent from the same source, and their claims and the rights of the Priory had come into collision. In 1361, however, Patrick, Bishop of Brechin, by the writ referred to, attests that he had inspected a grant to the Priory by King David the First which gave the house of Rostinoth an earlier claim to the rents in question. This writ is important as showing that the Priory did exist in the time of King David the First. If the Priory of Rostinoth was founded as a separate establishment by King David the First, it did not long remain independent, as his grandson, King Malcolm the Fourth, between the years 1159 and 1163, attached it to the Abbey of Jedburgh. The charter by King Malcolm referred to is in very formal and ample terms. The original charter is in the charter chest of Mr. Fletcher of Salton in East Lothian. It had been inherited from one of his ancestors who was proprietor of Restennet after the Reformation. With the consent of Mr. Fletcher, King Malcolm's charter was both lithographed

MSS. OF EARL OF STRATHMORE AND KINGHORN.

and printed by me in the history of the Carnegies Earls of Southesk in the year 1867. The charter is a beautiful specimen of twelfth century caligraphy.

The first writ here reported on relating to the Priory is dated between 1188 and 1198. In it [No. 17 *infra*], King William the Lion grants to Rostinoth "Ardnequerc," which later writs [Nos. 29–33] identify as Cossins. It was given in exchange for Fofferin or Foffarty. Writ No. 18 is interesting as an example of a Scottish ecclesiastical cause being tried at York when that see claimed spiritual jurisdiction over Scotland. The Pope (Gregory IX.) in 1237 addressed a letter to the Subdean of York, relating that he had instructed the Abbot and Convent of Jedburgh to present his "scriptor" or writer, Mr. John of Antin, to a vacant benefice, or to pay him a yearly pension of one hundred shillings. The intervening steps are not detailed, but it would appear that the Abbey had presented Mr. John to the church of Aberlemno, which was in their gift as pertaining to their Priory of Rostinoth, to which David Bernham, the Bishop elect of St. Andrew's, objected. The parties appeared before the Subdean at St. Peter's, York, when the Bishop claimed the right of presentation on the ground both of common law, as the church was in his territory, and of special right in terms of Papal grants. The whole arguments may be read in the sentence of the Subdean, who decided against the Bishop, partly on the ground of a former presentation by King William confirmed by the late Bishop of St. Andrew's, and partly on the ground that the present Bishop had admitted the right of the Abbot and Canons of Jedburgh to present, by asking them to confer the benefice on his clerk. The Abbot afterwards petitioned the Pope to confirm this sentence [No. 19 *infra*]. In the year 1242, David, Bishop of St. Andrew's, granted or confirmed to the Abbey of Jedburgh the church of Rostinoth, and the chapel of Forfar [No. 20 *infra*]. The next writ [No. 21] is noteworthy as being an excerpt from the long-missing ancient record, the "Magnum Registrum" or great register of the Priory of St. Andrew's. The writ is not dated, but may be of a period early in the reign of Queen Mary, and the register was then in the hands of the Prior who styles himself David Guthrie the Third.

The next writ [No. 22] is a letter from the famous Bishop Lamberton, in which the Bishop gives notice that although the Prior of Rostinoth was in use to make a payment to the Bishop at his yearly visitation of four merks for his counsel and advice, yet he wishes it to be understood that such payment is gratuitous and is not to be expected or exacted as a right from future priors by his successors. In 1330, Bishop Lamberton's successor, James Benedict or Bennet, granted a lease [No. 23 *infra*] of his land of Rostcolby or Rescobie to the Prior of Rostinoth, reserving the court hill and a house and croft for the sergeant at a yearly rent of fourteen merks sterling. A similar agreement was entered into by Bishop Landells in 1354 with the then Prior of Rostinoth, William of Falkirk, by which, in consideration of the hard times and disturbed state of the country, he consents to reduce the rent of certain lands one half, but this arrangement was to last only during the life or tenure of office of Prior William.

There is an interesting fact connected with the Priory and burial place of Restennet which has been somewhat overlooked by historians, that it is the burial place of Prince John Bruce, a son of King Robert the Bruce by his second wife, Queen Elizabeth de Burgo, eldest daughter of Richard, second Earl of Ulster. Whether he was the elder brother of King David Bruce or the younger has not been ascertained, but he was certainly his brother-german. King David, in a full parliament held at Scone on the 10th June, in the sixteenth year of his

reign, 1344, confirms the gifts and grants made by his predecessors, Malcolm, Alexander, and David, Kings of Scotland, to the Priory, and "for the goodwill and special affection which we devoutly bear towards the said priory on account that the bones of our brother-german, John of famous (celebris) memory rest there inhumed," the King grants to the prior and canons of Rostenot 20 marks sterling from his great customs of the Borough of Dundee.

The writs Nos. 27 and 28 may interest a legal antiquary touching as they do upon legal and ecclesiastical forms at Rome and in Scotland. No. 29 is illustrative of how important business was frequently transacted in public. No. 30 details the seal of the Abbot of Jedburgh in 1532, while the seal of the Abbey appears in No. 32. The last document, the Rental, No. 34, has already been printed in "The Memorials of Angus and Mearns."*

Charters and other Writs relating to the family of Lyon of Glamis and their lands, 1295–1599.

1. Charter by Robert Bruce, Earl of Carrick and Lord of Annandale, to Alexander Keith, of the lands of Longforgan. [1295–1304.]

Omnibus hanc certam visuris uel audituris, Robertus de Bruys, comes de Carrik et dominus vallis Anandie, salutem in Domino sempiternam. Nouerit vniuersitas vestra nos dedisse, concessisse et hac presenti carta nostra confirmasse Alexandro de Keth totam terram nostram in tenemento de Langforgrunde, cum omnibus suis pertinenciis; Tenendam et habendam eidem Alexandro et heredibus suis de nobis et heredibus nostris, libere, quiete, integre, plenarie, et honorifice, in planis, pratis, pascuis et pasturis, stangnis, aquis et piscariis, et cum omnibus aliis iuribus, libertatibus, commoditatibus, aysiamentis et pertinenciis quibuscunque, tam non nominatis quam nominatis, ad dictam terram de Langforgrunde spectantibus uel quoquomodo spectare valentibus sine aliquo retinemento inperpetuum: Faciendo domino regi forinsecum seruicium inde debitum et consuetum, et reddendo inde nobis et heredibus nostris annuatim vnum par calcarium deauratorum, pro omni alio seruicio, consuetudine, exaccione et demanda seculari: Nos vero Robertus de Bruys predictus et heredes nostri totam terram predictam in tenemento de Langeforgrunde, cum omnibus iuribus, libertatibus et pertinenciis suis, ut predictum est, predicto Alexandro et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus et inperpetuum defendemus: Et ut hec nostra donacio et concessio et presentis carte nostre confirmacio firme sint et stabiles in perpetuum hanc cartam sigilli nostri munimine fecimus roborari; Hiis testibus, dominis Alexandro de Meyneres, Reginaldo de Crauforde, Waltero de Logan, Roberto Boyde, militibus nostris; Patricio de Schen, Petro de Grayden, Roberto de Anande et multis aliis. [Seal detached, but put up with the charter. It is in good preservation. Shield bearing a saltire and chief. Supporter, a palm tree from which the shield depends. Legend, "S. Roberti de Brus."

2. Charter by Walter, Steward of Scotland, narrating that Alexander, son of Glay, for himself and his heirs, had resigned his whole land of

* A brief Report on the papers at Glamis by the late Dr. John Stuart is printed in the Appendix to the Second Report of the Historical Commissioners, p. 185. None of the charters and other writs here reported on are mentioned in the previous Report.

Altermony with its pertinents to Umfred of Kircpatrik, from whom he held the land in fee and heritage; and now Umfred has resigned the right of lordship which he held over said land with an annual rent of two merks falling to him from it, which he held from the granter, who now grants and confirms to William of Mongale, clerk, for his homage and service, the whole land of Altermoni, without any drawback, to be held to him and his heirs of the granter and his heirs, freely and quietly, &c., rendering one silver penny at Whitsunday in name of blenchfarm, for all other secular services, &c., with clause of warrandice. Witnesses, Sirs Murdach, Earl of Menteith, James Lord of Douglas, James Stewart the granter's brother, Malcolm Flemyng, Robert Boyd, Walter son of Gilbert, John Stewart, Robert of Coningham, William of St. Clair, Robert of Bard, knights, John of Kalentire, Reginald More, Richard of Bard, Fergus his brother, Robert Simpil, Adam son of Huchtred. [No date, 1314–1318.] Seal attached, somewhat broken and defaced, showing on obverse an armed knight with a shield bearing the Stewart fess, on horseback riding towards the sinister. On the knight's helmet and the horse's head is a curious framework carrying a lion (or leopard) rampant, facing to sinister. The horse bears a collar shewing Stewart fess which is also displayed on the housings. Part of legend "WALTE . . . . E"; obverse, a shield charged with a fess chequy, round the shield are figures of leopards. Legend indistinct. S. . . . . SCOCIE.

3. Charter by King Robert the Bruce granting to Alexander Keith part of the mill of Longforgan, 8 May [1315].

Robertus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse Alexandro de Keth, dilecto et fideli nostro, totam terciam partem molendini de Langforgrunde, vna cum quinque acris terre ad eandem terciam partem molendini pertinentibus: quamquidem terciam partem molendini vna cum quinque acris terre predictis Johannes de Glastrethe nobis per fustum et baculum sursum reddidit, coram quibusdam magnatibus nostris, apud le Tarbartis iuxta Louchfyne, vna cum toto iure et clamio quod in eadem tercia parte molendini et terra habuit vel habere potuit pro se et heredibus suis. Tenendam et habendam dicto Alexandro et heredibus suis vel assignatis suis de nobis et heredibus nostris, in feodo et hereditate, adeo libere, quiete, plenarie et honorifice, cum omnibus libertatibus, comoditatibus, aisiamentis et iustis pertinenciis suis, sicut idem Johannes vel aliquis predecessorum suorum dictam terciam partem molendini, vna cum quinque acris terre predictis aliquo tempore tenuit seu possedit vel tenere debuit aut possidere. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus, Bernardo Abbate de Abirbrothoc, cancellario nostro, Gilberto de Haya, Alexandro de Meigners, Hugone de Ross, et Roberto de Keth, militibus; apud Abirbrothoc, octauo die Maii, anno regni nostri decimo. Seal wanting.

4. Charter by King Robert the Bruce to Alexander Keith, of the lands of Longforgan, 6th February 1324–5.

Robertus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse Alexandro de Keth dilecto et fideli nostro totam terram quam de nobis prius hereditarie tenuit in baronia de Langforgrund cum pertinenciis, et quam ipse nobis nuper per fustum et baculum apud Berewicum super Twedam coram magnatibus regni nostri sursum reddidit et resignauit. Tenendam et habendam predicto Alexandro et heredibus

suis de corpore suo legitime procreatis seu procreandis, in feodo et hereditate, per omnes rectas metas et diuisas suas, vnacum seruiciis liberetenencium, annuis redditibus, et cum natiuis ac omnimodis bondagiis et ceteris juribus et libertatibus ad dictam terram spectantibus, per seruicia inde debita et consueta. Et si contingat dictum Alexandrum sine herede de corpore suo legitime procreato in fata decedere, dedimus et concessimus Agneti, filie ipsius Alexandri et Willelmo Auenell consanguineo nostro, dictam terram cum pertinenciis pro se et heredibus eorum inter se legitime procreandis; quiquidem Agnes et Willelmus predicti si nullum heredem de seipsis legitime procreatum superstitem reliquerint, predicta terra cum pertinenciis ad nos et heredes nostros post decessum eorum vel alterius ipsorum diucius viuentis libere reuertatur. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; Testibus, Bernardo Abbate de Aberbrothoc, cancellario nostro, Thoma Ranulphi, comite Morauie et domino vallis Anandie et Mannie, nepote nostro karissimo, Jacobo domino de Dūglas, Alexandro de Setoun, Dauid de Berkeley, et Eduardo de Keth, militibus; apud Abirbrothoc, sexto die Februarii anno regni nostri nonodecimo.

5. Transumpt of an Act of Parliament by King David Bruce, beginning "Actum parlementi excellentissimi quondam principis domini Dauid de Bruys, regis Scottorum illustris, tenti apud Sconam vicesimo septimo die mensis Septembris cum continuatione dierum, anno Domini millesimo tricentesimo sexagesimo septimo et regni sui tricesimo octauo; primo, videlicet, quoad modum vivendi regis, super quo domini congregati deliberent per hunc modum, videlicet, quod dominus rex vivere possit"—and so on as printed in the "Acts of the Parliaments of Scotland," Vol. I., p. 502, down to "debitis antiquis seruiciis remansur" of the first Act of that Parliament, then passing to the middle of the next Act "et quod omnes carte et munimenta," &c., to the end of that Act, concluding as follows:—"Datum per copiam transsumptam de registro ad instanciam nobilis viri domini Johannis Lyovn de Glammys, militis, sub testimonio magni sigilli domini Roberti Ducis Albanie, comitis de Fyfe et de Menteth ac regni Scocie gubernatoris, apud Fornowale, vicesimo secundo die mensis Julii, anno Domini millesimo quadringentesimo quarto-decimo et sue gubernacionis anno nono."

6. Letters (very faint and worn) by "Eufemia Dei gracia regina Scocie," narrating a grant under the great seal by her husband, "Robertus Dei gracia Rex Scotorum," to John Lyoun as custodier of the burgh customs assigned to her by her husband, and expressing her consent that they should remain in his charge for his life time. Dated at Edinburgh, 10th October 1375. Seal,—a female figure, robed and crowned, and with sceptre in the right hand, standing under a canopy. On her right is a shield bearing the lion of Scotland in the double tressure. On her left is a shield bearing the three lions or leopards of Ross.

7. Letters by John, eldest son of the King of Scotland, Earl of Carrick, Steward of Scotland, Robert Earl of Fife and Menteith, and Alexander Lord of Badenoch, also sons of the King, narrating that their father in consideration of the praiseworthy, faithful, and continuous labours of John Lyoune, his clerk, had conferred upon him the lands of the thanage of Glammys, in the sheriffdom of Forfar, wherefore they considering the deserts of that grantee and his very faithful service to themselves, confirm and ratify for themselves and their heirs the grant

made to him; and promising that never in any future time shall they impugn or revoke the same, even if any of them should attain the royal dignity, but they will renew and confirm the grant as often as required by John Lyoun or his heirs, and shall maintain the same against any one who may seek to impugn his possession. Dated at Edinburgh, 7th January 1373–4. Only one of the three seals formerly appended now remains, a small neat seal, showing within a triangular ornamentation a heater shaped shield bearing the Stewart fess chequy, a mollet in dexter chief. Legend "S. Roberti Senescalli," being the seal of Robert Earl of Fife.

8. Letters Patent by King Robert the Second, remitting any irregularities connected with the marriage between his daughter Johanna Keith and John Lyon of Glamis.

Robertus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue ad quos presentes litere peruenerint, salutem. Nouerit vniuersitas vestra quod cum inter dilectos filium Johannem Lyoune, camerarium Scocie, et Johannam de Keth filiam nostros, de nostri et carissimorum filiorum nostrorum Johannis primogeniti nostri de Carryk, senescalli Scocie, Roberti de Fyiff et de Meneteth, comitum, Alexandri Senescalli domini de Badenach et aliorum amicorum et propinquorum consensu et assensu, matrimonium in facie ecclesie fuerit nobis presentibus solempniter celebratum; si inter eosdem Johannem et Johannam ante dictam solempnizacionem matrimonii actus aliqui interueneriut, puta matrimonium occulte contractum, solicitacio, carnalis copula, huiusmodi copule carnalis tunc vel aliquo tempore ante matrimonium per illam aut aliquem alium aut aliam, pretensa excusacio, aut aliquid huiusmodi, quod nobis posset reputari ad displicenciam vel eis aut eorum alicui ad perfidiam, infamie notam seu periculum criminis publici vel privati; nos, huiusmodi actus preuios, tanquam preparatorios ad matrimonium, matrimonium concomitantes et ipsi matrimonio concordes, intelligentes, vobis tenore presencium significamus quod erga neutrum eorum occasione huiusmodi actuum displicenciam retinemus; ymmo, si ex huiusmodi actibus, occasione aliqua, injuria vel displicencia queuis oriri in aliis sit solita, illam et illas penitus remittimus; volentes expresse quod neutri eorum sint imputabiles, puta ad perfidiam, infamiam seu culpam aliquam criminis publici vel privati; quare tenore presencium firmiter prohibemus ne quis eis aut eorum alicui occasione premissa in iudicio vel extra, actus predictos preuios aut alios quosque huiusmodi similes imputet ad culpam, infamiam, perfidiam, aut huiusmodi aliquid seu eos aut eorum aliquem exprobret, irritet vel infamet de eisdem, sub pena omnium que erga nos amitti poterunt quoquomodo. Et hoc in fide et fidelitate quibus nobis tenetur nullus attemptare presumat. In cuius rei testimonium has literas nostras pro toto tempore vite dictorum Johannis et Johanne duraturas sibi fieri fecimus patentes. Apud Dundonnald, decimo die Maii anno regni nostri octauo [1378]. Portion of great seal attached.

9. Charter by King Robert the Second granting to Sir John Lyon the island of Inchkeith. 1379.

Robertus Dei gracia Rex Scottorum. . . . Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto filio nostro Johanni Lyovne, militi, camerario nostro Scocie, insulam de Incheketh cum pertinenciis, infra vicecomitatum de Fyffe, que fuit Johannis McKelly et quam idem Johannes . . . resignauit ac totum jus et clameum que in dicta insula cum pertinenciis habuit vel habere potuit pro se et heredibus suis omnino quiete clamauit in perpetuum.

Tenendam et habendam dicto Johanni, heredibus suis et assignatis, de nobis et heredibus nostris, in feodo et hereditate . . . in liberam warennam . . . Reddendo inde dictus Johannes et heredes sui vel assignati nobis et heredibus nostris annuatim vnum denarium argenti nomine albe firme, si petatur, apud dictam insulam, ad festum Pentecostes tantum, pro omni alio seruicio . . . Quare firmiter prohibemus ne quis in dicta insula secet, aucupet aut venetur, sine licencia ipsius Johannis et heredum suorum vel assignatorum super nostram pleuariam forisfacturam decem librarum. In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum. Testibus, venerabilibus in Christo patribus, Willelmo et Johanne, cancellario nostro, Sancti Andree et Dunkeldensis ecclesiarum episcopis, Johanne primogenito nostro, de Carryk, senescallo Scocie, Roberto de Fyffe et de Menteth, filio nostro dilecto, Willelmo de Douglas et de Marre, consanguineo nostro, comitibus; Jacobo de Lyndesay, nepote nostro carissimo, et Alexandro de Lyndesay, consanguineo nostro, militibus; apud Methfen. vicesimo octauo die mensis Julii, anno regni nostri nono [1379]. Portion of great seal attached. [There is also in the Glamis Charter chest a duplicate of this charter dated on same day at Perth, before the same witnesses, but with one or two slight verbal discrepancies.]

10. Charter by William Earl of Douglas and Marr, granting and confirming to his beloved Sir John Lyon, knight, Chamberlain of Scotland, for homage and service, the lands of Balmukedy, Ballynchore Upper, and Ballynchore Nether, in the barony of Kerymure, within the sheriffdom of Forfar; to be held to Sir John and his heirs of the earl and his heirs in fee and heritage for ever; performing yearly to the chief lords of that fee the service due and wont, and to the earl and his heirs ward, marriage and relief when it falls due for all other service. With clause of warrandice. Witnesses, James of Douglas, the earl's son and heir, James Lyndessay, lord of Crawford, Alexander Lyndessay, lord of Glennesk, William Lyndessay, lord of Byres, Alexander Menteth, knights, Adam Forster, Alan Lawder, Bernard Cargill, and Adam Glendonwyne. [This charter is not dated, but the precept for infefting the grantee, usually identical in date with the charter to which it refers, is dated 21st February 1380 [1381]. It is directed to John Williamson, lieutenant to the Sheriff of Forfar, and still bears part of the Earl's seal. A shield couché quarterly 1 and 4, three stars on a chief and heart in base for Douglas; 2 and 3, a bend between six cross-crosslets for Mar. Supporter, a lion couchant, the shield surmounted by a helmet and feather plume; two trees in background. Legend broken away.]

11. Charter by Margaret, Countess of Marr and of Angus, daughter and heir of the late Thomas Stewart, Earl of Angus, in her widowhood, confirming to Sir John Lyon the preceding charter by the Earl of Douglas and Mar in his favour of the lands of Balmekedy and the two Balincheores, to be held to the grantee in fee and heritage. Witnesses, James Douglas Lord of Liddesdale, son and heir of the Earl of Douglas, and William Lindesay, knights, John of St. Clair, James of St. Clair, the granter's brothers, Alan Lawder, Adam Glendonwyne, and Henry Wedale. At the Castle of Temptalovne, 12th August 1381.

12. Charter by King Robert the Second granting to his beloved son, John Lyoun, knight, chamberlain, the whole lands, rents, and goods which had belonged to the late William of Lech, son natural of

William of Leeh, burgess of Aberdeen, and had fallen to the King by reason of bastardy; to be held to the grantee, his heirs and assignees of the King, and his heirs in fee and heritage, rendering services due and wont. Witnesses, William, Bishop of St. Andrews, John, Bishop of Dunkeld, Chancellor, John, eldest son of the King, Earl of Carric, Steward of Scotland, Robert, Earl of Fyff and Menteth, the King's son, William Earl of Douglas and Mar, James Lindsay the King's grandson, and Alexander Lindesay, knights. At "Glenschy," 30th September [1380].

13. Notarial transcript of charter by Thomas Erskine of Erskyne, as follows:—"Omnibus hanc cartam visuris vel audituris, Thomas de Erskyne dominus eiusdem, custos ac firmarius omnium terrarum Sancti Johannis Ierosolimitani infra regnum Scotie constitutus, salutem in Domino sempiternam. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto nostro Osberno de Yrnis, domino de Thorntoun, totam terram templarem jacentem iuxta Haystoun in vicecomitatum de Angus ex parte boreali de Haystoun, cum omuibus pertineneiis suis . . . ad dictam terram spectantibus . . . quamquidem terram Michael de Munkure in manibus nostris per fustum et baculum simpliciter resignauit: Tenendam et habendam totam terram predictam predicto Osberno et heredibus suis in feodo et hereditate de domo hospitalis Sancti Johannis Ierosolimitani et nobis custode carundem terrarum ac custodibus dictarum terrarum infra regnum Scocie qui pro tempore fuerint: Reddendo inde . . . duodecim denarios argenti ad festum natiuitatis beate Johannis Baptiste et communem sectam curie Sancti Johannis pro omni alio seruicio." With clause of warrandice. Dated at Perth, 31st January 1398–9. [The notarial transcript was made at the request of John of Thorntoun, son and heir of Osbern of Yrnys, Lord of Thorntoun, in the town of Dundee, 14th April 1425, before Sir Patrick Ogilvy, knight, Sheriff of Angus, Richard Lowell, Lord of Ballumby, Thomas Lowall of Kynbachlaw, Thomas Fotheringame of Powry, and William Man, burgess of Dundee, as witnesses. Notary, John Ydill.]

14. Obligation by George Earl of Angus, Lord Douglas, and of the regality of Kerymore, warden of the east and middle marches of Scotland, "fornentis Ingland," binding himself to his "derrest cousing Schir Patrick Lord of Glammis," that, notwithstanding the Earl had charged his "eme" Robert the Grahame of Auld Montrose to recognosce in the Earl's hands his lands of Balmuktis and Balinchois which Sir Patrick held of the Earl, and that because of certain alienations made of these lands without the Earl's licence or consent, yet the recognition shall not prejudice Sir Patrick or his heirs, neither as to his fee and heritage nor his maill, but he shall "demaine" or possess them as if they were unrecognosced and have them "to borch" (pledge) when he pleases to pursue the Earl therefor. At Abernethy, 15th January 1456–7. Seal impressed, much broken.

15. Extract (contemporary) from the books of the High Court of Justiciary, of the acts and conviction against Janet Douglas, Lady Glamis, and her son John Lord Glamis, for alleged conspiracy against the life of King James the Fifth, and of the sentences pronounced against them, 17th and 18th July 1537. [Printed in full in "Criminal Trials in Scotland," by Robert Pitcairn, Vol. I., pp. 190*, 191*, 199.*]

16. Precept by William Earl of Angus, &c., superior of the lands, in terms of an inquest made by his command before the bailie of the

regality and retoured to his chancery directing the bailies of his regality of Kerymure to infeft Patrick Lord Glamis, as nearest and lawful heir of his father, the late John Lord Glamis, Chancellor of Scotland, in the lands of Balmocattie, with mill, lying in that regality and sheriffdom of Forfar. Dated at the burgh of Canongate, 6th August 1599; witnesses, Sir Walter Scott of Branxholm, knight, Mr. William Scott of Grangemure, Mr. William Olyphant, of Newton, Advocate, and Mr. Oliver Colt, Advocate. Subscribed, "Gulielmus Angusie Comes."

II.—Charters and other Writs relating to the Abbey of Jedburgh and Priory of Rostinoth, 1188—1561.

17. Charter by King William the Lion to the church of Restennet of the lands of "Ardnequerc," afterwards called Cossans. [1188—1198.]

W. Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciant presentes et futuri me dedisse et concessisse et hac carta mea confirmasse Deo et ecclesie Sancti Petri de Rostinot, et canonicis ibidem Deo seruientibus, Ardnequerc in excambium de Fofferin per easdem diuisas per quas Joheri predictam Ardnequerc tenuit. Tenendum in liberam et perpetuam elemosinam, in bosco et plano, in terris et aquis, in pratis et pascuis, in moris et maresiis, ita libere, quiete, et honorifice, sicut alias elemosinas suas liberius, quietius et honorificentius tenent; Testibus, Hugone Cancellario meo, A. Abbate de Dunfermlin, Jocelino Archidiacono Dunkeldensis, Ricardo de Prebenda, Malcolmo filio comitis Dunecani, Roberto de Mortimer, Willelmo de Haia, Briccio judice. Apud Forfar.

18. Sentence pronounced by the Sub-dean of York in a question between the Abbey of Jedburgh and the Bishop elect of St. Andrews as to the church of Aberlemno, 16th December 1239.

Omnibus Christi fidelibus ad quos presens scriptum pervenerit, Johannes Romanus sub-decanus Eboracensis, salutem in Domino. Literas domine pape in hec verba recepi:—Gregorius episcopus, seruus seruorum Dei, dilecto filio magistro Johanni Romano sub-decano Eboracensi, salutem et apostolicam benedictionem. In illius prouisione qui ecclesie potest fructuosus existere mandatum debet prelatus apostolicum preuenire, quia id maxime in ecclesie lucrum conuertitur quod ei tribuit per quem suis patenter necessitatibus subuenitur, quin pocius quod vni digno concedimus multorum vtilitatem absque dubio procuramus; Hinc est quod cum dilectus filius, Magister Johannes de ciuitate Antina, scriptor noster, sue probitatis intuitu nobis acceptus existat et ecclesie de Jeddewrde ordinis Sancti Augustini Gla[s]guensis diocesis fructuosa exhibere possit obsequia, utpote qui propter accepta seruicia que ecclesie Romane temporibus longis exhibuit sibi merito fauorem sedis apostolice comparauit; nos attendentes quod digne illi a quo seruicia grata recepimus manum prouisionis munificam exhibemus; dilectos filios, Abbatem et conuentum eiusdem ecclesie de Jeddewrde rogandos, duximus attentius et hortandos nostris sibi dantes litteris in mandatis, ut eidem scriptori ob reuerenciam apostolice sedis et nostram in aliquo ecclesiastico beneficio competenti quod consueuerit clericis secularibus assignari, si uacat ad presens uel quam cito uacare contigerit, non obstante si eis super alterius prouisione direximus scripta nostra prouidere procurent, exhibentes sibi interim centum solidorum sterlingorum annuam pensionem; ita quod exinde deuocionem ipsorum merito commendemus. Quo circa discretioni tue per apostolica mandamus

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quatinus si dicti Abbas et conuentus mandatum nostrum neglexerint adimplere, tu eos ad solucionem pensionis ipsius sublato appellacionis impedimento compellens mandatum apostolicum quoad prouisionem beneficii nichilominus exequaris, contradictores per censuram ecclesiasticam, appellacione postposita, compescendo, non obstantibus constitutione de duabus dietis edita in concilio generali et indulgencia qua prelatus regni Scocie a sede apostolica est indultum ne per litteras apostolicas extra regnum ipsum ualeant conueniri; nos enim ex nunc decernimus irritum et inane siquid contra mandatum nostrum contigerit attemptare. Datum Interamnæ [Terni] xiii kal. Februarii, pontificatus nostri anno decimo. [20 January 1237]. Harum auctoritate in mea presencia in ecclesia Sancti Petri Eboraci uocato canonice domino electo Sancti Andree qui se donacioni Magistri Johannis de ciuitate Antina facte super ecclesia de Aberlemenach opponebat, idem electus per procuratores Magistros L. Trauers et W. de Mortuomari in crastino Sancte Lucie in ecclesia Eboraci comparuit, procuratore ibi comparente priore monasterii iam dicti; procuratores eiusdem hiis racionibus nitebantur collacioni prefati magistri Johannis super dicta ecclesia de Aberlemenach contraire, scilicet, cum dicta ecclesia de Aberlemenach spectat ad eius donacionem, ut dicebant, tum de iure communi quia sita est in territorio suo, cum de iure speciali propter priuilegia felicis memorie Lucii pape, et domini pape Innocencii episcopis Sancti Andree indulta quorum nullum ostendebant uel sunt vsi, ut pars altera allegabat, nec obstant instrumenta canonicorum ut aiebaut. In primis instrumentum domini regis Wilelmi tum quia sede uacante contulit ecclesiam memoratam quam conferre non potuit, nec confirmacio episcopi cum nulla fuerit collacio, nulla debuit esse confirmacio; preterea alienare non potuit absque subscripcione et confirmacione capituli, que si postea fuerit secuta defuncto episcopo nullius esse momenti. Dicebant etiam quod nulle sunt partes inesse circa collacionem istius ecclesie cum plures ecclesie eis uacauerint ad quarum primam mea iurisdictio se extendebat quod falsum esse penitus est probatum. Quibus omnibus de consilio uirorum prudentum de iure cassatis et reprobatis, eandem ecclesiam de Aberlemenach ad dictorum abbatis et conuentus presentacionem, magistro Johanni de ciuitate Antina auctoritate prescripta mihi commissa sentencialiter adiudicaui hiis potissimum rationibus, quia credibile non fuit quod tantus et tam discretus bone memorie Wilelmus Episcopus utriusque juris peritus in preiudicium suum et sue ecclesie admisisset ultimam personam ad presentacionem dictorum canonicorum sicut ex eius instrumento apparet; nec etiam credibile uidetur quod inclite recordationis Rex Wilelmus, uir iustus et pius, in detrimentum ecclesie in manu sua existentis aliquid contulisset cum bona eiusdem augere quam minuere pocius sit conatus; vnde instrumentis legittimis et documentis quam eorum sophisticis allegacionibus pocius sit credendum, et cum in possessione ũiũenti fuerint uera et pacifica ad eandem ecclesiam presentandi eo etiam fortius quia iidem canonici litteras dicti electi in iudicio protulerunt signo suo signatas, quibus rogabat eosdem dictam ecclesiam clerico suo conferri, quod quidem minime fecisset si ad suam spectare crederet donacionem. Decreui etiam per censuram ecclesiasticam cohercendos tam prefatum electum quam alios qui huic sentencie se duxerint opponendos. Datum Eboraci, xviii kal. Januarii, anno gracie m°cc°xxx° nono.

19. Letters by Pope Gregory Ninth directed to the Bishop of Glasgow and the Archdeacons of Aberdeen, Glasgow, and Teviotdale, in reference to a petition by the Abbot and monastery of Jedburgh, as to the question between them and the bishop elect of St. Andrews

about the church of "Aberleuenach" or Aberlemno, on which a definitive sentence had been pronounced by the sub-dean of York, praying that the sentence may be confirmed by Apostolic authority, which the Pope directs to be done. [This writ is much defaced and worn, but it appears to be dated from the Lateran in April, probably of the year 1240.]

20. Notarial transumpt of charter by David [Bernham], Bishop of St. Andrews, granting and confirming ,with consent of his chapter, to the Abbot and canons of Jedburgh (Jedworcht), the church of Restinot with chapel of Forfar adjacent thereto, and with all teinds, oblations, lands, and liberties pertaining to the church and chapel, "ita quod Abbas de Jedworth qui pro tempore fuerit priorem et fratres ibidem ponat et amoueat cum uiderit expedire prout hactenus fieri consuetum est et prior qui ibidem pro tempore administrauerit curam habeat tocius parochie de Restinot et de Forfar dicto Abbati de temporalibus nobis uero et successoribus nostris de spiritualibus responsurus et faciat tam in matrice ecclesia quam in capella per canonicos uel capellanos ydoneos congrue deseruire." The Bishop therefore declares the said church and chapel to be free from all synodal and other burdens as it has hitherto been understood that they were, "et ut ipsa capella nulla dedicatione ipsius uel cimiterii matrici ecclesie de Restinoth preiudicante, ad ipsam iure parochiali spectet et eidem tanquam membrum imperpetuum vnita permaneat." Dated at Restinoth on the vigil of St. Bartholomew the Apostle when the chapel of Forfar was dedicated [*i.e.*, on the 23rd August] of the year of grace 1242. [This transumpt was made on 24th August (St. Bartholomew's day) 1474, at the instance of Robert, Abbot of Jedburgh, in the Abbot's lodging in Edinburgh, Sir William Forfar, prior of Restinot, William Turnbull, and Alexander Pryngyll, witnesses. John Lockhart, notary.]

21. Notarial transcript (without date) of the above grant of 1242 by David, Bishop of St. Andrews, and also of the following confirmation:— "Confirmatio de ecclesia de Restinoth. Omnibus sancte matris ecclesiæ filius, etc. Prior et conuentus Sancti Andree eternam in Domino, salutem. Nouerit vniuersitas vestra nos ratam et gratam habere concessionem et confirmationem venerabilis patris nostri, Dauid, Dei gracia episcopi Sancti Andree, quam fecit Abbati et canonicis de Jedwod super ecclesia de Restinoth et capella de Forfair, cum pertinenciis suis et libertatibus, secundum quod in carta eiusdem episcopi planius continetur. In cuius rei testimonium, etc." He sunt vere copie principalium scriptorum supra-scriptorum [the two writs now referred to, Nos. 20 and 21], extracte de regestro monasterii Sancti Andree et collationate per venerabilem virum dominum Dauidem Guthre, tertium priorem eiusdem monasterii, et nos connotarios subscriptos cum suis originalibus concordantes, coram discretis viris Hercule Guthre de Owir Dysart, domino Joanne Scot, canonico dicti monasterii, magistro Roberto Punt et Johanne Wilsoun, notariis publicis, testibus, et nostris subscriptionibus manualibus. Ita est Dauid Herwy, notarius publicus, manu sua scripsit. Ita est M. T. Hervy, notarius in premissis, manu sua. Ita est Dominus Dauid Guthre, tertius prior ac custos huius registri, etc."

22. Charter by the Prior of St. Andrews confirming a letter by Bishop Lamberton to the Priory of Restennet. "Vniuersis Christi fidelibus ad quos presens scriptum peruenerit, Johannes, Dei gracia Prior Sancti Andree et eiusdem loci conuentus, salutem in Domino sempiternam . . . vniuersitati vestre per presentes innotescimus

nos quandam literam domini Wilelmi de Lambirtoun, episcopi nostri prioribus et domui de Rostinot concessam . . . inspexisse, in hec verba: Willelmus, Dei gracia episcopus Sancti Andree, vniuersis ad quos presentes litere peruenerint, salutem in Domino. Quoniam quod gratis tribuitur sine debito gratis habet admitti a tribuente nec sibi in posterum in dampnum cedere debet quod prestatur; cum igitur priores de Restinot tempore visitacionis nostre singulis annis in prioratu suo predicto facte nobis pro beneficiis nostris consilio et auxilio nostro dicte domui sue inpensis quatuor marcas gratis contulerunt: nos vero nolentes post dies nostros quod hec prestacio gratuita nobis facta per priores supradictos prefate domui aliquid preiudicium generet in futurum uel successoribus nostris aliquid ius attribuat dictas quatuor marcas de prioribus dicti loci racione procurationis aut sub alio nomine petendi; vniuersitati vestre tenore presencium significamus nos dictas quatuor marcas a prioribus supradictis ex mero dono suo suscepisse et ob causam supradictam nec ibidem nisi vnicam procuracioni per annum vendicamus, et hoc omnibus quorum interest per presentes significamus. In cuius rei testimonium presentibus literis sigillum nostrum apposuimus. Datum apud Wedalle, septimo decimo die mensis Aprilis, anno gracie m°ccc° vicesimo tercio." The charter of confirmation is dated at St. Andrews, 12th May 1323.

23. Agreement between James, Bishop of St. Andrews, for himself, his church, and his successors, bishops, on the one part, and Friar John of Eskdale, Prior of Rustinot, for himself and his priory and as procurator for the Abbot and Convent of Jedburgh, on the other part, to the effect that the bishop, with consent of his chapter, has granted in fee farm and demised to the Prior of Rustinot and his successors, his whole land of Rostcolby, with its pertinents, &c., with mill and kiln, reserving to the bishop and his successors, the place which is called "Mons" or place of pleas for holding his court, "et superiori dominio terre predicte et domo seriandi cum crofto eidem adiacente et oũili quod dicitur 'pundfald' et vsu in communi pastura pro propriis animalibus dicti seriandi iuxta numerum consuetum," and that for a yearly rent to the bishop and his successors of fourteen merks sterling, seven shillings of rent of a part of the lake of Restynot inclusive being computed an equal moiety; the entry of the Prior to be at Pentecost 1331, the first term's payment beginning at Martinmas of same year, for all burdens, it being understood that the Prior shall be free from all carriages, &c., in the land, and he shall not be bound to make suit at the bishop's court. The prior for himself and his successors pledges the goods of the priory present and future to pay the rent. Clause of warrandice by the bishop. Dated at Lundy in Angus, 6th September 1330. Seals wanting.

24. Another Tack or Grant by William of Lawndelys, Bishop of St. Andrews, referring to an agreement between his predecessor the late James Benedict (or Bennet), Bishop of St. Andrews, and the late John of Eskdale, Prior of Rostynoth, "super terris . . de Roscolby et Rosfoly eidem priori et suis successoribus prioribus de Rostynoth in perpetuum assedatis," by which the prior agreed to pay the bishop twenty merks sterling for the lands, "quequidem pecunie summa quamuis eidem episcopo aliquibus annis retroactis paucissimis tamen persoluta fuerit. Nos tamen consideratis modernis temporibus que duriora et deteriora sunt solito ac hostilitatibus et persequcionibus que feruencius vigent hiis diebus, nec non et dampnis ac grauaminibus que ex huiusmodi compositione dictus prioratus de Rostynoth euidenter

sustinuit; ad bonum consciencie recurrentes ac equitatem in hac parte volentes preferre rigori, habito super hoc consilio et assensu capituli nostri ac diligenti tractatu et deliberacione de peritorum et fidelium consilio, dictam composicionem cum moderamine sic duximus relaxandam. Et volumus ac per presentes concedimus quod dominus Alexander del Faükyrc, nunc prior de Rostynoth, nobis et successoribus nostris, episcopis Sancti Andree, soluat pro dictis terris pro tempore ipsius decem marcas sterlingorum annuatim proportionaliter ad duos anni terminos consuetos; et si dicte terre pro maiori summa assedari poterunt per ipsum priorem vel camerarium nostrum aut successorum nostrorum presentem cum ipso in assedacione tantum, nobis et dictis successoribus nostris soluet ad quantum assedacio dictarum terrarum altius se extendit, predicto vero domino Alexandro cedente vel decedente vel alias qualitercunque translato vel promoto, volumus et ordinamus quod composicio inter dictum predecessorem nostrum et prefatum dominum Johannem, priorem tunc de Rostynoth, prius facta in suo robore permaneat et ad statum pristinum libere reuertatur; quod autem ad huiusmodi composicionem relaxandam et moderandam rerum experientia docente ac disposicione suadente temporum consensimus equitas et bonum consciencie nos induxerunt, et hoc nostris successoribus efficaciter et expressius indicamus. In cuius rei testimonium sigillum nostrum vnacum sigillo communi capituli nostri presentibus est appensum. Datum apud Sanctum Andream, die Mercurii in festo Sancti Georgii Martiris, anno Domini millesimo triceutesimo quinqua-[gesimo] . . . [the last words being torn away, but the year was probably 1354, and the day 23rd April]. Bishop's seal still appended, but much defaced.

25. Letters by Andrew Dempster, uncle, Finlay son of William, and John of Cullas, lords of the lands of Menmuir, narrating that they were bound to the prior and canons of Rostynot for the time in four pounds of good and lawful sterlings by reason of the teind penny due yearly to the prior, &c., from the lands of Menmuir, payable in each year for ever within the Priory of Rostynoth, beginning at Whitsunday next; and if the granters fail to pay the sum in whole or in part within fourteen days of any term, they oblige themselves, their heirs, lands, men, and goods, that the latter shall be distrained wherever found, for payment of eight merks of sterlings at the terms proportionally to the prior, &c., in name of the value ("extente") of the teind penny made to them of the lands. Because their seals are little known, they procure the affixing of the seals of William, Bishop of St. Andrews, Patrick, Bishop of Brechin, chancellor of Scotland, David Grahame, lord of Ald Monros, and Robert Ramsay, then sheriff of Forfar. At Kynell, 8th October 1360. [This obligation will be found printed in the Registrum Magni Sigilli, Vol. I., p. 43, narrated in a charter of confirmation by King David the Second at Scone, 3rd August 1365.]

26. Letters by Patrick, Bishop of Brechin, Chancellor of Scotland, testifying and declaring that he had seen a charter by the late David, King of Scots, son of the late Malcolm, King of Scotland, and of St. Margaret, Queen, from which he plainly and fully perceived that the prior and canons of the priory of Rostynot were infeft of old in twenty shillings yearly from the rents (firmis burgi) of the burgh of Monros for light to the church of Rostynot, as well as in the teind pennies (decimis denariis) of these rents, and that the prior, &c., held these rents by a foundation and infeftment earlier than that by which

the Bishop of Brechin and his predecessors held the annual rent due to them from the said burgh; wherefore the bishop makes known that it is not his will that the prior and canons or their successors should at any time be hindered in their receipt of the twenty shillings or the teind pennies because of the annual rent due to the bishop. Dated at Fernuall, 1st May 1361.

27. Notarial Instrument narrating that in the Apostolic Chancellary before Simon Archbishop of Patras for Roderick Bishop of Albania, Cardinal Valentin, Vice-Chancellor of the Holy Roman Church, and in presence of the notary and others, an honourable man, Sir William Lyndesay, lately prior of the Priory of Restanet, of the Order of St. Augustine, St. Andrew's diocese, appeared by Sir William Turnbull, his procurator, and made faith that he consented to resignation and the expeding of letters of said priory, which has been by apostolic authority perpetually united to the Abbot's table ("mense Abbatiali") of the monastery of Jeddworth; moreover the procurator swore upon the soul of the principal resigner and upon the gospels that no fraud, guile, simony, or bribery intervened in this resignation. Done on 12th June 1476. Witnesses, James "de Rizonibus" and Celsus "de Molliniis," two abbreviators of the apostolic letters.

28. Notarial Instrument narrating that, in presence of the notary and witnesses, there appeared William, Prior of Restinoth, in the church of St. James the Apostle, in the burgh of Forfar, and delivered to be read a procuratory (dated at Edinburgh, 21st October 1486) by Mr. David Steuart, pensioner of Rostinoth, appointing his chaplains, John Lowtholt and Gregory Lauder, to appear in his name before William Rutherfürd, Prior of Rostinoth, and to receive and take full count and reckoning from him of the surplus of Mr. David's benefice of Aberlempno, and to uplift and receive the surplus of the sum of two hundred merks remaining unpaid to him, besides the amount to which his church of Aberlempno extends; also to account for the receipts, give acquittances, and all other things to do belonging to the office of procurator. Which procuratory being read, Prior William desired a notarial instrument, protesting that if any frivolous or fraudulent exceptions were contained in the procuratory regarding the business, they should not prejudice him or his place of Rostinoth, nor hurt his right. He moreover alleged that the sheriffs deputed by royal letters to divide the teind sheaves of the parish church of Aberlempno had not duly executed their office because they were not sworn to that effect, neither also did they fulfill the engagement in the royal letters that they should choose the nearest neighbouring gentlemen and other trustworthy men to value the teind sheaves of Aberlempno to their highest value, but they selected no others to this effect, but the parishioners of the parish, who estimated the teind sheaves favourably and not at their highest value, which of right they (the sheriffs) ought not to have done. Done in the said church 24th October 1486. Witnesses, James Rynde of Broxmouth, Alexander Ramsay of Wodwray, James Ramsay, Sir Alexander Guthre, chaplain, Andrew Lindesay, William Piot, and Thomas Strang. William Thornton, notary.

29. Notarial Instrument narrating that, in presence of the notary and witnesses, there appeared David Lyon, tutor, and in name of John Lord Glammys, brother and heir of the late George Lord Glammys, as he asserted; who with due reverence presented to Henry, Abbot of Jedworth, a precept (dated at Edinburgh, 6th February 1510) from

the chancery of King James the Fourth, directing Henry, Abbot of Jedburgh and the convent there, as superiors of the lands, to infeft John Lord Glammys as lawful and nearest heir of his late brother, George Lord Glammys, retoured before the sheriff of Forfar in the lands of "Ardfork," in the sheriffdom of Forfar; which precept being read the tutor made humble petition that the Abbot would give sasine in terms of the brief. The Abbot responded that he was willing by himself or his bailies to fulfil all things contained in the brief without delay and according to law. Done in the public street (publica platea) of the town of Edinburgh at 9 a.m. on 25th February 1510–11. Witnesses, Robert Cotis, vicar of Cassilton, Charles Levington, George Gude, Thomas Vernour, and Walter Gledstanes, John Inglis, notary.

30. Letters by John [Hume], Abbot of Jedburgh, granting to Mr. Alexander Lyon, chantor of Moray, his heirs and assignees, the non-entry duties of the lands of Ardquhork *alias* Cossynnis, in the sheriffdom of Forfar, for all the years during which the lands have been in the Abbot's hand by reason of non-entry, and for the years and terms until the entry of the rightful heir. Dated at Edinburgh, 21st May 1532. Signed "Ihone, Ab^{t} of Jed." Oval seal appended. Under a canopy, in centre compartment, the Virgin and Child on an ass led by St. Joseph. A tree in the background bending down its branches, from one of which the Virgin is plucking the fruit. Beneath an ecclesiastic praying. Legend partly illegible. S. Ioannis, Abbatis Mon. de Iedword.

31. Precept by John, Abbot of Jedburgh, for infefting John Lord Glammis as nearest and lawful heir of his predecessor the late John Lyon, of Glammis, Knight, Chamberlain of Scotland, last vest and seised in the lands of Ardquhork *alias* Cossynnis, in the sheriffdom of Forfar, held of the Abbot in chief. Dated at Edinburgh, 21st May 1532.

32. Charter by John, Abbot of Jedburgh, with consent of the chapter, granting and confirming to John Lyon, Lord Glammys, his heirs and assignees, the lands of Ardecorke *alias* Little Cossynnis, in the sheriffdom of Forfar, also granting all right or claim which the Abbot or his predecessors had to the non-entries of the lands; to be held to the grantee in fee and heritage for paying to the Prior of Rostinoth for the time the sum of forty shillings Scots yearly in name of feufarm. Dated at Jedburgh, 25th October 1534. Signed, "Johañes, Ab^{s} de Jed," and nine of the convent also sign. Seal detached somewhat broken and defaced. Obverse, two figures in a centre compartment, representing the coronation of the Virgin. Legend, Sigil[lum commune cap]ituli de Ieddeworthe. Foliage and tracery. Reverse, four niches, the two centre figures being apparently Christ and the Virgin, and two ecclesiastical figures in each of the other niches, which are divided in the middle. Legend beginning "*mater*," the rest illegible. [The Abbott granted a precept of sasine on the same date to which a fragment of the chapter seal is still attached, which was followed by sasine in due form on 2nd March 1536–37.]

33. Precept of Clare Constat by Andrew, Commendator of Jedburgh and Restennett, for infefting John now Lord Glammys, as nearest and lawful heir of his father, the late John Lord Glammys, in the lands of Little Cosnes, in the barony of Restennet and sheriffdom of Forfar, held of the Abbot in feu farm. At Edinburgh, 4th June 1561. Signed,

MSS. OF EARL OF STRATHMORE AND KINGHORN.

"Andro, Comedar of Jedburgh." Seal attached. Oval; Virgin and Child under a canopy. The arms of the family of Home, to which the commendator belonged, on a shield at foot. Legend, "S. Andree, Comēdatarii Monasterii de Iedburgh."

34. There is also a "Rentale omnium annuorum reddituum Priori de Restennett et conuentui eiusdem pertinentium de terris subscriptis jacentibus infra vicecomitatum de Forfar," but it need not be given *in extenso* here, as it has been printed in full in "Memorials of Angus and Mearns," by A. Jervise. Ed. 1861, pp. 478-480, App. No. XVII.

WILLIAM FRASER.

Edinburgh, 32, Castle Street,
8th June 1893.

REPORT UPON THE CORRESPONDENCE OF LORD CHANCELLOR SEAFIELD, WITH SIDNEY, EARL OF GODOLPHIN, LORD TREASURER OF ENGLAND, AND OTHERS, PRESERVED AT CULLEN HOUSE, BANFFSHIRE, NOW THE PROPERTY OF THE RIGHT HONOURABLE CAROLINE, COUNTESS DOWAGER OF SEAFIELD.

MSS. OF COUNTESS DOWAGER OF SEAFIELD.

This Report is divided into the following sections :—

I. Royal Letters and Instructions from Queen Anne, to James, Earl of Seafield, Lord Chancellor, 1704–1705, and also Letters from William, Duke of Cumberland in 1746 and 1748.

II. Letters from Sidney, Lord, afterwards Earl of Godolphin, Lord High Treasurer of England, to James, first Earl of Seafield, Lord High Treasurer, afterwards Chancellor of Scotland, 1703–1712.

III. Letters from the Earl of Seafield to King William and from statesmen and other writers of note to James, fourth Earl of Findlater, and first Earl of Seafield, also a few letters to his grandson, James, sixth Earl of Findlater, and third Earl of Seafield, 1700–1785.

IV. Miscellaneous Writs in the Charter Room at Cullen House.

James Ogilvie, Viscount and Earl of Seafield, who was the last Lord High Chancellor of Scotland, was the second son of James, third Earl of Findlater. By the death of his elder brother, Walter, Lord Deskford, he became heir apparent to the Earldom of Findlater, during his father's lifetime. He studied for the Scottish Bar, and was admitted Advocate in January 1685. His success in his profession was great and his promotion rapid. He was appointed Solicitor-General for Scotland in 1693, and Secretary of State in 1695, an office which he held until November 1702, when he was made Lord High Chancellor of Scotland. Two years later he was removed from that office, but was again made Secretary of State. In March 1705, however, he was restored to the office of Chancellor, which he retained until after the union of the Kingdoms in 1707; and in the following year, 1708, he was made Lord Chief Baron of the Court of Exchequer. His services to the State were rewarded by his elevation to the peerage during his father's lifetime, first in 1698 as Viscount Seafield, and in 1701, as Earl of Seafield. He succeeded his father in 1711 as Earl of Findlater, and was thenceforward known as Earl of Findlater and Seafield till his death in 1730.

Notwithstanding that the Earl of Seafield zealously promoted the union between Scotland and England, the extension of the malt tax to Scotland was considered by him such an infringement of the union that in 1713 he moved in the House of Lords for leave to bring in a Bill for dissolving the union. The result was considered damaging for the union as the votes of 108 peers present were equal, and the proxies made only a majority of four out of 138. Soon afterwards the Earl

MSS. OF COUNTESS DOWAGER OF SEAFIELD.

appears to have been consoled by his appointment as Keeper of the Great Seal and presided in the Session as Chancellor.

Most of the letters now reported on were written to or by Lord Seafield in his capacities of Secretary of State or Chancellor. The earliest in point of date are Nos. 48–50, written to King William about the middle of the year 1700. They are of interest as showing the advice which Lord Seafield gave to the King at that critical juncture when Scotland was greatly excited about the failure of the Colony of Caledonia.

These three letters are the only papers relating to the reign of King William the Third. The next in date, Nos. 51 and 52, are from James, second Duke of Queensberry, who was appointed High Commissioner to Queen Anne's Scottish parliament of 1703, and relate to his preparations for entering upon his duties. Of the same year are Nos. 9–12, from the famous Sidney, Lord, afterwards Earl of Godolphin, High Treasurer of England, who managed the government of both kingdoms at this time. As is well known the parliament of 1703 was somewhat turbulent and its results not satisfactory to the Queen, and we have some plain hints from Godolphin as to what was expected of Her Majesty's ministers in Scotland, one letter, No. 11, even indicating the policy which was afterwards adopted of treating Scotland as an independent State which might, if she chose, declare war against England.

The letters of Lord Godolphin are numerous and those which have been selected for reporting form the second section of this Report. The first four relate to the year 1703, and have been referred to. The next fifteen of the series, Nos. 13–27, deal with the year 1704, which was also a troublesome period. Nos. 1 and 2 of the Report should also be read along with the letters of this year, as they contain the special instructions given by Queen Anne to Lord Seafield as Chancellor for promoting the measures recommended by Her Majesty. These express her views on the settlement of the succession, and her determination to attain her ends. Lord Godolphin's letters all more or less emphasise the same policy. They also indicate the feeling of the government at the refusal of the Scottish Parliament to comply with the royal wishes. References are likewise made to fears of invasion by France. To this year also belongs letter No. 54 from John, first Duke of Athole, one of the opponents of the government.

Nos. 28–36 contain the High Treasurer's letters for 1705, a most important year, when, under John, Duke of Argyll, as Commissioner, and Lord Seafield as Chancellor, the first step towards the union was made by passing an Act appointing Commissioners for a treaty between the two kingdoms. To this year also belong letters Nos. 3 and 4, the former of which contains a reprieve for the crew of the "Worcester" accused of piracy. As is well known, Captain Green, the master of that ship, which was a heavily armed vessel, was accused, with his men, of having attacked a ship belonging to the African or Darien Company and murdering her crew. Green and two of his men were hanged, while the remaining eleven were ultimately released.

After 1705, Godolphin's letters become less frequent, and they cease with No. 47 in February 1712.

The remaining letters to Lord Chancellor Seafield are chiefly contained in Section III. of this Report. They run from No. 55–83, between the years 1704 and 1725, and are of a miscellaneous character. The Dutch Ambassador's complaint in No. 57 shows some difficulties in the way of free trade. Two letters from William Penn, the founder of Pennsylvania, Nos. 59 and 66, and two from Sir Isaac Newton, Nos. 69 and 70, may be noted. There are also letters from the Duke of Marlborough

Nos. 71 and 72, and his Duchess, Nos. 80 and 81. Other letters are from Lord Loudoun, General George Wade, and John, sixth Earl of Mar, afterwards the Jacobite leader. One letter of some interest during this period is No. 5, a contemporary copy of a communication by King George the First to Philip the Fifth of Spain, which contains a promise to consult Parliament about a proposed restitution to Spain of the recently acquired fortress of Gibraltar.

The rest of the letters reported on, Nos. 7, 8, and 84—88, are written to or by later Earls of Findlater and Seafield. They include two letters from William, Duke of Cumberland. Of the others, the most noteworthy are No. 85, by Henry Home, Lord Kames, on the subject of the coal tax, and No. 88, from James Burnett, Lord Monboddo, which contains some of his peculiar views on the subject of human population.

The fourth section of the Report, Nos. 89—108, contains notices of a few miscellaneous writs other than correspondence. They are of dates between 1480 and 1746. The earliest, No. 89, relates to the burgh of Cullen and the management of its revenues. No. 91 is a dispensation in 1524, for the marriage of a daughter of William Keith, third Earl Marischal, not mentioned by genealogists, and the writ is specially interesting as narrating the links in the chain of consanguinity. No. 93 narrates the erection of a chapel of Deskford in the year 1543 into a parish church, while the parish attached to it was disjoined from the older parish of Fordyce.

The latter will, recorded in No. 94, of James Ogilvy of Findlater, dated in 1565, recalls the fact that he was the victim of a conspiracy to defraud him of his inheritance. His father, Alexander Ogilvy, married about 1535 a second wife, Elizabeth Gordon. Her friends influenced her husband to disinherit his son, James, who only recovered his estates a year or so before 1565; and, indeed, although he dates from Findlater, his possession of it was not fully secured until the following year. He died some years later. His grandson, Walter Ogilvy, who is in No. 96 recognised by Alexander Ogilvy of Boyne as his chief, was the first Lord Ogilvy of Deskford, and father of the first Earl of Findlater. The inventory of apparel given in No. 99 is the continuation of the inventory of jewels recited in the Report on the muniments of the Earl of Eglinton [Report X., Part I., p. 35]. Both jewels and clothes belonged to Lady Anna Hamilton, first wife of Hugh, seventh Earl of Eglinton. Her only child, a daughter, married James, third Earl of Findlater, and was the mother of Lord Chancellor Seafield.

Of the remaining documents, No. 103 chronicles a quarrel between the bailies of Cullen and a neighbouring proprietor in 1656 as to marches. No. 104 shows one form of the perquisites of the office of Secretary of State. No. 116 indicates the existence of various cyphers in use between the statesmen of Queen Anne's time. No. 107 refers to the family of Seton of Pitmedden, and No. 108 deals with the political and other proclivities of the Faculty of Advocates in 1745.*

* A brief Report was made by the late Dr. John Stuart on the manuscripts at Cullen House [Third Report, 1872, page 403]. The correspondence and other writs in the present Report were afterwards found by me in 1874 in the garret above the carpenter's shop near Cullen House. No paper was found with them to explain when they had been removed from the Charter Room.

MSS. OF COUNTESS DOWAGER OF SEAFIELD.

I.—ROYAL LETTERS and Instructions from Queen Anne to James, Earl of Seafield, Lord Chancellor, 1704–1705; and also Letters from William, Duke of Cumberland, in 1746 and 1748.

1. "Anne R. Instructions to our right trusty and right well-beloved cousin and councellor, James, Earle of Seafield, our Chancellor. You are to repair to Scotland without loss of time and there make knowen our pleasure that wee are fully resolved to doe all that in us lyes to have the succession setled failing airs of our body on Princess Sophia of Hannover and the airs of her body, and that wee will imploy none in our service but such as will concurr in so necessary and so good a worke. 2°. In order to the compassing of this wee doe hereby impower you to give to men of quality and interest such assurances of our favour as you shall judge necessary. And wee, reposing intire trust in you, are resolved to make these assurances good. And this you may shew as your credentiall, but doe it only where the shewing of it is absolutely necessary to create a confidence in you. Given att our Court att Saint James's, the 5th day of Aprile, 1704, and of our reign the 3d year. A. R." [Original Writ.]

2. "Anne R. Instructions to our right trustie and weal-beloved cousin and councelour, James, Earle of Seafield, our Chancellor.

"1st Notwithstanding of our general instructions of this date you are to governe your selfe in the use of them, and in all your proceedings, both as to persons and things acckording to the folouing instructions.

"2nd Ass soon as it is determined who shal be our commissioner, you are to act jointlie in evrie thing with him and with such others as you and he shall think fit to trust.

"3dlie You are to leat the Marques of Tweeddal know hou good ane opinion wee have of his capacitie and probitie, and of his duty and affection to us, and therfour we have resolved to make him our commissioner to the nixt session of Parliament, and to provid him with ane honourable share in the administration when the session is over, not doubting but that he will use his best endeavours to bring the measurs to bear contained in our other instructions which are so necessarie both for the good of our service elswher and for the peace and happiness of that our kingdom.

"4tlie As to the limitations your publict discourse is to be that wee are resolved to have no misunderstanding betwixt us and our Parlament upon that head, and therfor we will grant such limitations as can be reasonablie demanded; bot you are to leat our commissioner know and thos whom you and he find it necessarie to trust, that rather then the succession should not be seteled wee will consent that the nomination of officers of State, councelours, and judges be made by our successors in the maner agreed to by our royal grandfather in the Parlament 1641, providing alwayes that ther be a clause in the Act of Settelment bearing that whenever ther shal be ane union whither in goverment or in trade agreed on betwixt the two kingdoms then both the Act about peace and warr and the forsaid limitations as to the filling of places shall cease and be void and null.

"5tlie In this mater of limitations tho' we expect that our servants will have all the respect to the monarchie they can, yet wee consent that their main rule be to manage themselves so as to carie a majoritie for the settcling of the succession.

"6tlie And for the making the settelment of the succession mor practicable and to convince our peopel that wee have nothing befor our

eys bot ther good, you are to make knowen that wee are resolved to give our consent in this nixt session to Acts to take effect in our time for triennial Parlaments, for declairing al farmers or collectors of the revenue incapable in any succeding Parlament of being Members of Parlament, and for securing the impartiall administration of justice in so farr onlie as Acts of Parlament are necessarie for the doing of it, by seperating the justice of the nation from the policie of it; and wee will also consent to any other acts of which wee shal be convinced that the passing of them may contribute to the happiness of that our ancient kingdome.

"7$^{\text{tlie}}$ As to the lords and gentlemen of qualitie and interest that are averse to the succession, you are to leat them know from us that the speedie setling of it in Scotland is indispensablie necessarie for the peace and queit of our reigne in al our dominions, and that we will take their complyence and submission to our pleasur in this mater for ane unquestionable proofe of ther dutie and affection to us, and as to such of them as you cannot prevail with to concurr, you are to endeavour at least to soften them in their opposition, or to get them to be absent.

"8. You are with the Marquis of Tweeddal and such others as you and he shal trust to take this whol mater of the succession into consideration, and the proper and necessarie means of succeeding in it, and upon the judgement you shal make of it, you are to send us ane draught of a letter to be writne by us to our Parlament and a draught of instructions to our Commissioner, and to lett us know what is in your opinion to be added to the foundation we have laid in our instructions to you or what is to be altered in them. For wee are resolved to leav nothing undone on our pairt that can any wayes contribute to the seteling of the succession.

"9° As to places, wee are resolved to proceed by the same rule, that is, to vacat them or not vacat them, and fill them or not fill them, and to doe aither of them befor or after the session of Parlament as shal be judged most advisable for the setling the succession; and this being our fixed and declaired rule, it is our pleasur that the commissioner and you with thos that you and he shal trust governe your selvs by the same rule in the advices that wee requer you to transmitt to us in this mater ass soon as conveniently you can.

"Bot notwithstanding the præceeding instruction, and that without further loss of time you may have some men of interest to go in heartilie with the commissioner and you in your deliberations, and the pains that are immediatlie upon your araival to be taken with the members, you are, as soon as the Earles of Rothes and Roxburgh and Mr. Bailie of Jerveswood declair themselvs free and willing to ingadge in our measurs, and not till then, to let them know that we are resolved to make the Earle of Rothes governour of our Castel of Edinburgh, or to provid him otherwayes in such maner as that he shal be satisfyed, and the Earle of Roxbourgh our secretarie, and Mr. Bailie of Jerveswood our thræsurer depute; bot as to the time of declairing them, befor the session or after, you are to advise with the commissioner and transmitt his judgment and yours to us. Given att our Court at Saint James's the fifth day of April 1704, and of our reigne the third year. A. R." The whole is in the handwriting of the Earl of Seafield himself. [Original writ.

3. "Anne R. Right trusty and right entirely beloved cousin and councellor, right trusty and right well-beloved cousin and councellor, right trusty and right well-beloved cousins and councellors, right trusty

MSS. OF COUNTESS DOWAGER OF SEAFIELD.

and well-beloved cousins and councellors, right trusty and well-beloved councillors, and trusty and well-beloved councellors, we greet you well. Understanding that some of the crew belonging to the ship Worcester, and condemned for piracy and murder, are repreived only to the twenty-seventh instant, and we having received severall informations appearing to us to tend evidently to the clearing their innocence, particularly the declarations of two men now here at London, who went out with Captain Drummond, and continued with him till his ship was seased by pirats at Madacascar. And the denyall of those who have already suffered giving also ground to doubt of their guilt, we therefor authorise and strictly require you to give a further repreive, and to renew the same from time to time to all of that crew untill a fuller and clearer discovery shall be got of that whole affair. So we bid you heartily farewell. Given at our Court at St. James's, the 23rd day of April 1705, and of our reign the 4th year. By Her Majesty's command.

AL. WEDDERBURN."

Addressed to "John, Duke of Argyll, our Commissioner, James Earle of Seafield, our Chancellor, and the rest of the lords and others of our Privy Council of our ancient kingdom of Scotland. Reprieve to Greens Crew."

4. "Anne R. Right trusty and right wel-beloved cousin and counsellour, right trusty and wel-beloved cousins and counsellors, and trusty and well-beloved counsellors, wee greet yow well. Whereas wee have taken to our royall consideration that the lodgings formerly appointed for the Lord High Chancellor of our ancient kingdom of Scotland was lately destroyed by accidence of fire, therefore wee have seen it fitt and are resolved that James, Earle of Seafeild, present Lord High Chancellor for the said kingdom, be provided with convenient lodgings within our palace of Holyrood House, with kitchins, cellars, and other offices therein, with convenient stables and coach-houses therabout, and that the samen be annexed to the said office of Lord High Chancellor in time coming. Therefore our will and pleasure is, and wee do hereby authorize and require yow to appoint unto him the lodgings lately possessed by late Earle of Southerland, and now by the Countess Dowager of Southerland, his relict, together with convenient kitchins, cellars, and office houses therein, with coach-house and stables thereabout, by particular warrand under your hands, to be recorded in your books. As also that yow take speciall care that these lodgings and others above mentioned be speedily repaired and fitted for his accomodation therein. And wee have annexed, and hereby annexes, the said lodging, office houses, and others above mentioned to the said office of our Lord High Chancellor within the said kingdom in time coming. Wee have also signified this our pleasure to the Dutchess of Hamilton, keeper of the said palace, and which wee have also appointed to be recorded in your books And so wee bid yow heartily farewell. Given att our Court att Windsor Castle the 15th day of September 1705 and of our reign the 4th year. By Her Majesties command, David Nairne." Addressed to "James, Earle of Seafeild, our Chancellor, and the rest of the lords and others Commissioners of our Treasury of our ancient kingdom of Scotland. Chancellor's lodgings."

5. Monsieur mon Frere,—J'ay appris avec une extreme satisfaction par le rapport de mon ambassadeur à votre cour que votre Majesté est enfin resolue de lever les obstacles qui pour quelque tems ont retardé

l'entier accomplissement de notre union. Puisque par la confiance que votre Majesté me temoigne, je puis regarde les traitez qui ont eté en question entre nous comme retablis, et qu'en conformité les pieces necessaries au commerce de mes sujets auront êté extradées. Je ne balance plus à assurer votre Majesté de ma promptitude à la satisfaire par rapport à sa demande touchant la restitution de Gibraltar luy promettant de me servir des premieres occasions favorables pour regler cet article du consentement de mon Parlement. Et pour donner a votre Majesté une preuve ulterieure de mon affection, j'ay donné ordre à mon ambassadeur, aussitôt que sera terminée la negotiation dont il a eté chargé de proposer à votre Majesté de nouvelles liaisons de concert et conjointement avec la France convenables dans les conjonctures presentes, non seulement à affermir notre union, mais a assurer le repos de l'Europe, votre Majesté peut etre persuadée que de ma part j'apporteray toutes les complaisances possibles ce que je me promets aussi d'elle pour l'avantage commun de nos royamnes; etant trés parfaitement, monsieur mon frere, de votre Majesté le bon frere, George R.

"A St. James le 1er Juin 1721.

"Au Roy d'Espagne, Monsieur mon frere." [Contemporary copy.]

6. "George R. Right trusty and right well-beloved cosin and counsellor, we greet you well. Whereas the fourth day of October next is appointed for the royal solemnity of our and the queen's coronation, these are to will and command you (all excuses set apart) to make your personall attendance on us at the time above mentioned, furnished and appointed as to your rank and quality appertaineth, there to do and perform all such services as shall be required and belong unto you, whereof you are not to fail. And so we bid you most heartily farewell. Given at our Court at Richmond the 19th day of August 1727, in the first year of our reign. By His Majesties command. Sussex, M."

"To the Earl of Findlater." [Original.]

7. "Kensington, September the 23rd, 1746. My Lord, I received yours last Saturday, but had not to answer it then. I shall make use of the paper you sent me inclosed without any mention being made of the author. I hope the country agrees with you, and thank you for your unwearied zeall for the king's service. I am, your affectionate friend, William." [Holograph of the Duke of Cumberland.]

8. "Hague, the 5th April, N.S., 1748. My Lords Findlater and Leven, I have received your letter of the 18th of last month, O.S., and I am extremely well pleased to see by the list I have received the success that has been met with in the chusing and electing of the sheriffs depute for the several counties in North Britain. I hope the expectations you entertain of their behaviour will fully answer our wishes, and I am the more confident it will prove such, as I know by experience your zeal and prudence in what regards the service of His Majesty and the good of your country. I shall always be very glad of every oportunity that offers to show you that I am, your affectionate friend, William."

II. LETTERS from Sidney, Lord, afterwards Earl of Godolphin, Lord High Treasurer of England, to James, first Earl of Seafield, Lord High Treasurer of Scotland. 1703–1712.

9. Acknowledges receipt of a letter with enclosure from Lord Tullibardine, and expresses satisfaction at their agreement, as it would

be to the advantage of the Queen's service. "The D[uke] of Qu[eensberry] and Lord Tarbat have acquainted mee with the tumult at Glasgow, but that letter of the queen's to the Councill of Scotland, which seems to have been the occasion for it, to my best remembrance I never saw nor heard of before, and therfore I believe it must have been concerted here at some meeting when I was not present.

"I agree entirely to your lordship's notion of endeavoring to have the queen's authority confirmed in this parliament, and not to aim at anything besides in this session which may occasion heats and disputes, but to gett it ended as soon and as smoothly as you can." He had mentioned Lord Seafield's letter to the Queen, who was convinced of Lord Seafield's zeal and affection, and relied upon his prudence and capacity for the success of her affairs in Scotland. 13th March $170\frac{2}{3}$.

10. He has received two letters, one in answer to his own of 17th June, the other regarding a dispute between Lord Seafield and the president of the Council, "by which your lordship has had a fresh opportunity of showing your great temper, and concern for the queen's service, from whom you may depend on receiving all justice when the proper time shall come." He acquiesces for the present in Lord Seafield's judgment respecting a matter mentioned in his letter of 17th June; but he is hopeful, when an opportunity occurs for more calmly considering it, it will appear entirely for Her Majesty's interest both here and there. 13th July 1703.

11. "Windsor, July 17th, 1703. My Lord, I had the honour of your lordship's of the 10th before I left London, but had not time to answer it by the pacquett Mr. Nairn dispatched from thence on the 15th at night.

"I beg leave to represent to your lordship that as to the Act of putting the power of peace and warr into the Parliament, which has always been one of the chiefest flowers of the Crown (and in this case perhaps a very necessary one for the good of the subject), though the queen was unwilling to refuse my lord commissioner such an instruction as he desired—to consent to it in case of necessity—yett Her Majesty could not but bee sensible at the same time that the consenting to such an Act might prove extreamly inconvenient both to England and Scotland. And therefore, though she finds her other servants doe generally concurr in the desire of such an instruction to her commissioner to bee made use of in case of necessity, yett she hopes and expects from them all that they will also concurr in endeavouring to prevent that necessity as farr as it is possible.

"Pray, my Lord, allow mee for argument's sake to suppose the case were now hapned.

"England is now in warr with France. If Scotland were in peace and consequently at liberty to trade with France, would not that immediatly necessitate a warr betwixt England and Scotland also, as has often been the case before the two nations were under the same sovereign. And though perhaps some turbulent spiritts in Scotland may bee desiring to have it soe again, if they please to consult history, they will not find the advantage of those breaches has often been on the side of Scotland. And if they will give themselves leave to consider how much England is increased in wealth and power since those times, perhaps the present conjuncture will not appear more favorable for them, but, on the contrary, rather furnish arguments for enforcing the necessity of a speedy union between the two nations,

which is a notion that I am sorry to find has soe little prevalency in the present Parliament of Scotland. And I hope your lordship will not bee offended with mee if I take the freedom to bee of opinion they may possibly be sorry for it too when the opportunity is out of their reach.

"I had not time to write so fully upon this subject by the last pacquett to my Lord Commissioner, and therefore would desire the favour, if you please, that you would communicate this letter to him, and excuse the great freedom of it from, my Lord, your lordship's most humble and obedient servant, Godolphin."

12. Acknowledges Lord Seafield's letter of the 17th. ". . . . I think nothing can bee more fatall to Her Majesty's affairs than that her first Parliament in Scotland should rise abruptly and without effect; and the ill consequences of this in that kingdome seem so plain that they must needs bee obvious to any body not prepossess'd by private animositys, or engaged in a different interest, of which latter sort, I fear, you have more among you than you are yett aware of. But the queen is queen of Scotland upon the foot of the Revolution, and if that cannot bee maintained for her, I doubt nothing will bee maintained by her there." He has written plainly to the Lord Privy Seal, and urges that, as they hope for the queen's countenance, they will by all possible means "hinder the abrupt conclusion of this session of Parliament. At another time, what should be done of this kind would perhaps concern Scotland itself alone. But wee are now in so criticall a conjuncture with respect to other nations, that all Europe must in some measure bee affected by the good or ill ending of the Parliament of Scotland. The queen approves entirely of the answer proposed to the protesters' address, if any such be brought hither, of which I have not yett heard." Has had a letter from Lord Tarbat. Windsor, 24th July 1703.

13. "My Lord, . . . I have received your letter and cypher enclosed, and have, in speaking to 13, observ'd your directions which were but necessary to keep him in any tolerable humour, for I found him very uneasy at the delay of forming a Government, as he called it, but pretty well satisfyed again by the assurances I gave him that 20 would bee very firm to the measures laid down.

"The Duke of Atholl is still here, but talks every day of going, and I have taken my finall leave of him. I believe he has stayd a little the longer for the event of a scheme putt into my hands by my Lord Rosse, in which my Lord Dupplin, 37, and Mr. Campbell had been all consulted, and the chief end of it I am apt to think must bee to thwart any measures taking by Mr. Harley with 21, 18, and Mr. Wright, of whom all sides here seem to bee jealous, and it is very positively assured here that 18 is to bee Commissioner." . . . 20th April 1704.

14. Did not intend to have written so soon. But finding Lord Cromartie at the request of the Duke of Athole had obtained the queen's signature for creating a royal burgh in Scotland; he was ignorant of what this implied, and the step had been reflected on as unusual, if not illegal. If it had the effect of impowering it to send a member to parliament, and it had not previously possessed that right, it would be called illegal in England. He gave his lordship the hint that if anything irregular had been done he might refuse the seal to it until he had represented the matter of new to the Queen. 30th April 1704.

MSS. OF COUNTESS DOWAGER OF SEAFIELD.

15. Would write oftener, but has no time to put his letters in cypher; therefore he desires their correspondence should pass through the hands of Sir Thomas Frankland, and the postmaster of Berwick. Lord Belhaven, who carries this letter, seems very satisfied with the Queen's message to him. The writer fears too great affectation "in the Queen's new servants for making too many vacancys before the sitting down of the parliament, whereas the most certain method of preserving to themselves the continuance of their powers would bee to begin at least the exercise of it with calmness and moderation.

"I hope you will find the Earl of Leven in good temper and ready to join with you in carrying on the Queen's measures. I have also as fair words from the M[arquis] of Annandale upon that subject. But I depend much upon the former of these in what he says, looking upon him to bee a man of honour and of his word, and I believe your lordship will find him very sincerly for the Queen's measures; and if you encourage him by your kind usage, hee may prove of great use to you for managing the Revolution party." He suggests beginning business with the Cess, rather than with the Succession and the Plot "which may possibly inflame so much as to break all . . . . those who are disposed to handle the plott with most moderation are certainly best inclined to the Queen's service and measures." He will not write again till he hears of the receipt of the Commission for the Marquis of Tweeddale. 17th May 1704.

16. Acknowledges receipt of a letter by the flying packets, and hopes special precautions will not be much longer necessary, "since with this month there will be an end of 13, and all jealousys of that kind.

"I have spoken my thoughts so fully to Mr. Black upon all the matters mentioned in the memoriall that I will not trouble your lordship with the repetition of them . . . . It would turn all Mr. Bruce's measures into ridicule to show so much favour to Mr. Sinclair and Mr. Steven's, while they resolve to stand in opposition to them. But I referr this and all other matters to Mr. Black's letters," who is to write fully. [In this letter is written in another hand over "13" the name "Queens"(berry); over "Mr. Black," the name "Johnstone"; over "Mr. Bruce," the name "Queens"; over "Mr Sinclair" the name "Hamiltone"; and over "Mr. Stevens," the name "Montrose."] 23rd May 1704.

17. "24th May 1704. My Lord, I did not write so fully to your lordship by the last post as perhaps you might have expected, because I had spoken to Mr. Black my whole thoughts upon the subject to the memoriall transmitted to Mr. Bruce, who promised mee he would not faile to acquaint you with it accordingly.

"The occasion of my troubling you at present is upon a matter which as it stands at this time is uneasy enough to the queen.

"Her Majesty seems inclined that there should bee a Councill constituted near her person, for the consideration of her affairs in Scotland, to bee composed of a small number of each kingdome, by whose advice she would bee guided in all matters of the greatest importance relating to Scotland; but she is not willing to come to a finall determination in this thing till she has your lordships thoughts upon it, and how farr it is like to be agreable in that kingdom where you are.

"I have heard that some thing of this kind was practised in the reign of King Charles the First with success, as long as it continued. I can only say that in my opinion there never was any time when some such

method appears to bee more necessary. I am with all respect, my Lord, your lordships most humble and obedient servant, Godolphin."

18. "25th May 1704. My Lord, Having now a little more time I am willing to add to my letter of yesterday that I am sorry to find so much diffidence of the Queen[']s intentions, as Mr. Black represents to me, does still remain in 18 and his friends, when they have all the power and employments at their mercy. Can it bee expected besides that 20 should mortifie and discourage all those from whom Mr. Bruce might reasonably expect a concurrence in the measure laid down as the foundation of the whole? And can any reasonable impartiall man think that a proper method to make that measure succeed? And will not this temper give Mr. Bruce but too reasonable a ground for jealousy that this measure is only laid hold of to amuse and gain time, for being ridd of 13 and getting power into their own hands? Indeed, my Lord, I doubt these are reflexious so very naturall to bee made in our present circumstances that nothing can prevent them but the prudence and moderation of those who are now at the head of the Queen's affairs in Scotland, and by such a temper may certainly preserve to themselves the continuance of their power, but if they have no thoughts but to look backward and to gratifie their private resentments and animositys 20 will find herself much disappointed of the expectations and hopes she had that they would in the first place look forward and provide for the safety of the whole.

"And upon this head would it not bee thought reasonable to begin the session with making some further provision for the forces, since their fonds expires in August, and it will be July before the Parliament sitts down?

"I expect it should be answered, "*They must begin with the plott,*" and if they doe, August will come and the troops be unpaid.

"I doubt I am too troublesome to your lordship with my notions, but I can't help beseeching you a little to reflect. What does the Queen make all these changes for? Is it not to settle the Protestant succession in Scotland? And before any one step is made toward it can it bee thought advisable, not only to displace, but to worry and oppress all those who have hitherto appeared the most forward and zealous in that very measure."

19. Full accounts of proceedings having been sent to Lord Seafield by Lord Cromarty and Mr. J[ohnsto]n, he writes, "Just to wish and humbly to advise that your lordship would use all your endeavors to keep the Parliament in temper and moderation, and to bring on the matter of the Succession as soon as is possible, that so it may receive its fate before they have opportunity of examining minutely the evidences of the plott, which cannot fail of making a great ferment among the partys of which the Parliament is composed, and of whetting and sharpning animositys, soe that it will be very difficult afterwards to reconcile them in any one point whatsoever." Windsor, June 3rd, 1704.

20. "St. James's, June 5, 1704. My Lord, I have the honour of 2 of your lordship's letters of the 30th of May, one of them upon a particular matter with which I shall acquaint the Queen when I goe to Windsor.

"The other letter, upon the generall state of affairs in Scotland, is in a great measure answered by mine of the 2nd from Windsor, with those from my Lord Cromertie and Mr. Johnstone and the other papers sent down by the same flying packett, which will lett you see that everything

desired has been done, unless it bee the putting some out of the Councill, who wee yett hope will bee willing to concurr in the Queen's measures, and the putting oun of others who will not so much as give any hopes of their concurring in that matter. Now, tho' they doe show a readyness to give a cess, and to support, as they call it, the Queen's Government, yett if honours or other advantages are conferred upon them while they continue against setling the Protestant succession, it will be looked upon as a sort of compounding, and as a tacite allowance of defferring the finall determination of that matter till another session.

"As to the allowances to my Lord Atholl and others on account of their expence, I agree they have not been well bestowed at least upon his Grace, who was so farr from being satisfied with having £1,000, that he was very much unsatisfyed it was no more. But as to that matter and all others of that kind, your lordship will please to reflect the business is to establish Her Majesty's affairs and restore her authority in Scotland. Those who have the meritt of that work will be sure of having the favour and all the advantages which are necessary consequents of it.

"Lord Cromertie was perhaps a little uneasy at first for not being thorowly trusted, but seems now to bee in very good humour, and to promise his best assistance. I am, with respect and truth, my Lord, your lordship's most humble and obedient servant, Godolphin."

21. "Windsor, June 20th, 1704. My Lord, I have the honour of your lordship's letter concerning your allowance and my Lord Eglintown's for your jorneys to London, for both which the Queen will sign letters to-morrow, as also the instructions for my Lord Commissioner and other blank powers desired.

"I have written very plainly to my Lord Commissioner what Her Majesty's mind is in relation to her own servants, and that she will not suffer any whatsoever, great or little, to continue in their stations, but such as will joyn in her measures. Your lordship is pleased to say you have still some hopes of Duke Atholl; but I confess to you I have very little hopes but what this declaration of the Queen's may produce. And if right use of it bee made, I have little doubt on the other side but it will produce the desired effeet. . . . Lord Cromertie went last Saturday from London, and Mr. Johnstown parts to-morrow from hence and promises to use all possible expedition."

22. Has just received a letter from the Earl of Leven complaining that very violent prosecutions are intended against him, encouraged by the refusal of the Queen's remission before he left England.

"Now, my lord, I believe it is unnecessary I should acquaint your lordship that the Queen did show great distinctions for my Lord Leven here; and if she refused him the remission he desired it was because she thought it both reasonable in itself, and also entirely for her service, that all things should come free before the consideration of the Parliament of Scotland; and not that Her Majesty will not always bee disposed to interpose as far as it is in her power against any violent prosecution of my Lord Leven from the malice of his enemys, especially at this conjuncture when neither his enemys nor his friends can bee ignorant that no man in Scotland is more forward to support the Queen's measure than himself, and when there may bee but too much cause to suspect that some of his enemies are not more his enemies in particular than they are enemys to the Queen's Government.

"As an instance, my lord, that the emissarys from France and St. Germains are as busy as ever in Scotland, and probably therefore

as much encouraged from thence, I am commanded by the Queen to transmitt to your lordship the information enclosed, which Her Majesty desires you will communicate to my Lord Commissioner, from whose care and diligence, as well as from your lordship, the Queen persuades herself that some, if not all the persons mentioned in the said information may bee forthwith seized and examined." Windsor, June 28, 1704.

23. "July 13th, 1704. My Lord, I am to acknowledg the honour of your lordship's letters of the 5th and 6th, with the account of the Parliament's first sitting down, and of Sir G. Maxwell's and Livingstown's examination, by which I find they have not as yett answer'd clearly.

"As to the affairs of the Parliament your lordship seems to mee to apply your endeavours the right way by keeping up the Revolution party to concurr in the Queen's measures, which I am willing to hope will make them succeed. And to speak the plain truth if men are really desirous of concessions from England in point of trade, first, it is obvious they are not to bee had but in Parliament; and 2ndly, it is as obvious that nothing will oblige our Parliament to grant them, so soon as the settling the same succession with us. But I am sensible I tire your lordship with an argument already worn threadbare, and therfore I shall only add that if Scotland will positively not settle the same succession with us, I don't see, I must own, what there is left to expect from England unless it bee to conquer us.

"My humble service to Mr. Johnstone. I take it for no good omen that I have not yett had the honour to hear from him. But pray lett him know that how formidable soever the opposition of Scotland is, the Duke of Marlborough's victory at Donawerdt has pretty well tamed the opposition of England. I am, with great truth, my Lord, your lordships most humble and obedient servant, Godolphin." In another letter dated two days later, Lord Godolphin, after referring to "the excessive hott weather," says, "Wee have 3 posts this morning from the Danube which confirm all the advantages wee expected in consequence of the victory at Donawerdt. Our army was in possession of Nieuburgh and marching towards Ausburgh."

24. After acknowledging certain letters he refers to Lord Seafield's "endeavours of reconciling the old and new party, the only method by which it seems possible to mee for the Queen's measures to succeed. I am very glad to hear you find the D[uke] of Argyle assisting to you in these endeavours, and beg your favour in giving his Grace the assurances of my humble service; and as matters seem likely to turn in the present conjuncture I see nobody of whose service the Queen may have more occasion. As for the D[uke] of Atholl I give him for gone, and am very sure Her Majesty thinks her service suffers by his being continued so long in it under such obligations, and joyned with such a behaviour. If the post he is in would please my Lord Commissioner I believe the Queen would bee glad to give him that mark of her satisfaction in his endeavours for her service.

"All the letters that I have seen from Scotland seem to fear the resolve given in by D[uke] Hamilton will carry, and if soe, it is certainly very right to adjourn, as you propose to doe, to give Her Majesty time to consider what is next to be don. But it will not need much time. For is it reasonable or advisable after such an affront to continue the Parliament sitting in hopes of a small supply only, that out of it the opposers may lay claim to a great meritt? I doe assure you, my Lord, I see very little disposition in the Queen to continue the

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Parliament after this, which she thinks is no less than a downright submission to D[uke] H[amilton] and D[uke] Atholl." . . . . Windsor, July 18, 1704.

25. By Lord Seafield's letters the Queen has learned about the rejection of her measures by the Parliament, and while satisfied with the zeal and the efforts of the commissioner and his friends, she reserves any further directions till she learns the result of the vote on supply.

"In the meantime, my Lord, would it not bee proper that you should bee considering with the rest of Her Majesty's servants who can bee trusted, of some scheme for carrying onn Her Majesty's affairs in the intervall of a Parliament, that is to say, what troops can bee continued and what should bee disbanded; whom to bee displaced from their civill offices, and whom to succeed in these offices; whom to bee putt off from the councill, etc., and by whom the vacancys so made to bee filled? All these particulars, and many others which will better occur to your lordship than I can suggest, seem necessary to bee laid before the Queen as soon as is possible. Your lordship can best judg who are most proper to assist you in preparing such a scheme; but according to my notion, the foundation of this and of all the rest must bee the reconcilement of the new and the old party, if I may so call them, and the forming out of both a party which shall own and declare themselves to bee for a complyance with the Queen's measures." . . . . St. James's, July 25, 1704.

26. Refers to letters from Lord Seafield and others, and proceeds:— "At present I have only to observe that wee have every day more and more reason to be apprehensive of the correspondence carrying onn and the measures concerted for disturbing the Queen's government in Scotland by the latter end of September next. This, my Lord, will make it necessary to put a speedy end to the sessions of Parliament that there may bee time for modelling the government and the few troops there, that they may be willing at least, if not able to oppose an invasion which is certainly hoped for by a great many in Scotland, as well as designed by the French if they find themselves at liberty for such an attempt, which they cannot possibly bee till their armys are in their winter quarters. But then I doubt they may spare some thousands without any great inconvenience. . . . Just now we have an express with the news that the Duke of Marlborough has had a compleat victory and taken prisoner Mr. de Tallard." London, August 10th, 1704.

27. "Windsor, August 26, 1704. My Lord, I have your lordship's of the 17th and 21st, with one from my Lord Commissioner, to which I send an answer here enclosed containing an approbation from the Queen of his and your coming up hither as soon as yee please, and bringing such with you as you and hee shall think proper. He names my Lord Montrose as well as Lord Roxborough, and Jerviswood. There can't be the least difficulty as [to] the 2 latter; but as to the former it will deserve to bee considered whether he will yett bee inclinable to come into the measure of the succession at another time, without which it will not be easy to show him any countenance or favour here.

"Mr. Wedderburn has insinuated as if it would bee acceptable that Lord Rothes should have the castle of Edinburgh given him now." . . . But the writer finds the Queen will do nothing in respect of any employment until they come up and propose a complete scheme.

28. Acknowledges receipt of report of the Council's proceedings. "Her Majesty had before receipt of these letters order'd the depositions taken here before a magistrat to bee sent down to the Councill of Scotland, and leaving it to them to determine upon the whole matter as they should think just and equitable, so that upon the letters come this morning Her Majesty can add nothing to her former directions which were full in the poynt." . . . "The Duke of Argyll says he has sent away his coach upon the northern road, and will certainly bee at Edinburgh himself before the 20th. I wish you may find him inclinable to hearken to the advice of his friends there, for much will depend upon that." 7th April 1705.

29. "10th of May 1705. My Lord, I have the honour of your lordship's of the 3rd, and have presented the enclosed to the Queen, who is very well satisfy'd in the reason given by your lordship for not delivering her last letter to the Councill.

"I am sorry there is so little appearance of agreement among the Queen's servants in Scotland. 'Tis impossible to hope for success in the publick affairs, if those employed to make them succeed, cannot prevail with themselves to lay aside private animossitys. I think the Commissioner and the old party would doe themselves a great deal of right if they would desire the concurrence of the new party to the Queen's measures, and bee contented to allow them some share of the meritt in any success that might follow, and I think the new party would bee as much in the right in contemning any reports they may have heard of the Commissioner's intentions to their prejudice, and in resolving to offer their hearty concurrence in Her Majesty's measures to the Commissioner who is clothed with her authority. Now by all I hear from Scotland neither party seems inclined to this sort of temper. What then will the end of this bee? Either the Queen's servants and those who are well inclined to peace and quiett, must bring themselves to joyn their endeavors with the Commissioner and assist in the Queen's measures, or else say fairly they think themselves so ill used by him as not to consult with him. And in that case the Commissioner must endeavour to find those that can and will assist him effectually, or the Queen must find another Commissioner. For it is impossible for the service to go onn with this great disunion among those in the principall posts of dignity and trust in the government.

"A fair and probable scheme therfore ought to bee sent to the Queen without more loss of time, as also the letters and instructions requisit for the Parliament."

30. Has received Lord Seafield's letter of the 12th, and has sent him a copy of the Queen's letter to the Lord High Commissioner (Duke of Argyll), in which she "goes a great length towards complying with all he has proposed. Yett knowing his warmth and temper as I doe, I am very apt to suspect he may bee so unadvised as to persist in demitting, in which case, my Lord, it is absolutely necessary you should think, as well as the shortness of the time will admitt, into what method and into what hands the Queen should putt the conduct of her affairs, that is to say, whether yourself, or my Lord Annandale, or Lord Leven should be Commissioner, for it must bee one of those three. But I own I think it will be much better in your hands than in any of the others, for the fonds of the Civill Government being exhausted they will bee fearfull, they shall not be payd, and you may depend that rather than not be paid at all that expence will bee made good to you from England. Besides ther's good ground to hope both the old and new party will bee in great

measure influenced by you. I have a letter this day from my Lord Glasgow which gives mee all the assurances imaginable of his duty to the Queen and desires to promote her measures with whomsoever she pleases to employ." He again urges him to dissuade the Commissioner from resigning. 19th May 1705.

31. Acknowledges receipt of two letters. "D[uke] H[amilton] was told plainly that if the Queen were sure her measures would succeed in his hands, yett she was not in circumstances to make use of his service just now, nor indeed ever hereafter, till he would bee pleased to make one step towards Her Majesty, which the present occasion of a treaty makes very naturall, since it was always his own principle, and there does not seem to bee much reason from departing from it now, but for the pleasure of opposing Her Majesty." He wishes the Commissioner could have been prevailed with not to make "so totall a change," and that Lord Roxburgh had continued as he seemed both able and willing to serve the Queen. He had not since spoken to the Duke of Queensberry, but thinks his friendship to the Commissioner should engage him to go and assist him, yet cannot say if his presence would be of real assistance. 31st May 1705.

32. Begins the method Lord Seafield has prescribed of writing two letters at once. Wishes particularly to know how the Duke of Queensberry, who is now travelling to Scotland, "turns himself and his friends there towards the Queen's service in the present conjuncture of affairs according to his earnest professions here at parting.

"I must also acquaint your Lordship that I find misunderstandings betwixt my Lord Commissioner and my Lord Annandale are come to a great height, which I am very sorry for, because I doubt it must needs have an ill effect at this time for the Queen's service. Your Lordship will best judg how farr the D[uke] of Queensberry may bee usefull in reconciling them.

"I should think, my Lord, you might find some opportunity of letting D[uke] H[amilton] or my Lord Roxburghe see, as the occasion offers, that either of them have it much in their power to doe themselves a great deal of right to the Queen and to their country, the former, in case the Parliament incline to a treaty, by making it practicable and not clogging it with insuperable difficultys, the latter, in case they proceed in limitations, by not insisting upon such as are unreasonable in themselves, and inconsistent with the monarchy. These are the men in whose power this seems most to rest, and consequently the men most worth the managing att this time." Windsor, 14th July 1705.

33. "July 23rd, 1705. My Lord, finding by the honour of your lordship's of the 18th that the settlement of the succession is postpon'd to a previous treaty, the next thing desirable is that such an Act for a treaty may bee prepared as the Queen may pass. For certainly no body can be surprized when the Parliament will not settle the succession if the Queen refuses her royall assent to any Act for a treaty that shall be clogged with restrictions and diminutions of that little power which is yett left to the Crown.

"The sincerity of those who pretend to be friends to a treaty will easily appear in this point; for unless they are content such an Act should goe single and upon its own foot, it will be very plain that at the bottom their design is only to obstruct what they pretend to bee for.

"Such an Act as this, with some maintenance for the forces, and a speedy end of the sessions, is what the Queen is still willing to flatter

herself may be obtained. But if it can not, the sooner she know it I think the better for her service.

"As to what you write of the 2 lords who are Secretarys of State, their pretension of being upon the Treasury, as you term it, being upon an equall foot, they ought certainly to bee equally treated in that matter. . . . ."

34. Acknowledges receipt of Lord Seafield's letter of the 1st. "I was much surpris'd you should lose that vote for the treaty, and since you have don so I am much afraid you won't recover it, or indeed carry anything. For nothing can be, with submission, more against reason and common sence than the barefaced arguments of your opposers, viz., when the matter of succession is in question. No. There must first be a previous treaty. When the treaty is brought oun. No; there must first be limitations on the successor.

"What can bee more preposterous? In short, it looks to mee as if that nation desired to bring things to extremity, in which I am not sure they are very well advised. England is not now in the condition it was when Scotland used to make inroads upon us. Wee have the power, and you may give us the will to return those visitts, and supposing the French more able to assist the Scotts than I hope they are, or like to bee, the French have the character of being very good servants, but the worst masters upon earth. I am sorry, my Lord, that this is the case. I hope the misfortune of it will light where it ought to doe, and then I am sure it will not touch your lordship, nor, my Lord, your lordship's most obedient humble servant, Godolphin." 9th August 1705. In a paper apart, dated 11th August, Lord Godolphin adds that he is informed "the new party will consent to an Act for a treaty leaving the nomination to the Queen, provided the Queen's servants will allow reasonable limitations on the successor to be voted in the Parliament without passing them into an Act during this sessions, or extending them so farr as to influence the reign of the present Queen." Lord Seafield would be better able than he to judge as to the truth of this, and what advantage should be taken of it.

35. Has received Lord Seafield's letter of the 11th, and is sorry at the unfavourable reports from the Parliament. "The not leaving of the nomination of the Counsell of Trade to the Queen, though the Parliament of England had done the same thing so lately in an instance of much greater consequence, seems to bee no great invitation to Her Majesty to give the royall assent to an Act which gives otherways very extraordinary powers out of the Crown.

"As to the argument of English influence, how can the Queen but bee influenced by her English servants when she has no Scots servants near her person, at least during a sessions of Parliament, which is the time when the greatest affairs of that kingdom are transacted. And if the Scotts have a mind to obviate that objection, why don't they make an address to Her Majesty that she would appoint a certain number of her Counsell of Scotland to bee always attending upon her person. I am apt to think this would bee an ease to the Queen; I am sure it would bee a very particular one to, my Lord, your lordship's most humble and obedient servant, Godolphin.

"I forgott to take notice of the argument, viz., *That this Counsell of Trade is to continue but till next session of Parliament.* But in case this sessions should end without an Act for a treaty pass'd by the royall assent, is there anybody that can assign a time when ther's like to bee another sessions of Parliament in Scotland?" 18th August 1705.

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36. Has received his letter of 26th August, and refers him to his letter to the Commissioner and to Sir D[avid] Nairne's letter for answer. He now desires him to acquaint Lord Roxburghe "That the Queen depends upon his assistance in anything extremely essential for her service, and therefore hopes hee will endeavour so to moderat the Act for a treaty that she may be capable of giving her royall assent to it, which, in Her Majesty's opinion, is the only way possible to avoyd confusion in her kingdoms."

Has a letter also from Lord Belhaven, which "is not written in his usuall plainness which he sometimes braggs of, but in a way that looks as if he sought rather an occasion of future quarrelling than to make up anything that is past, of which he was not pleased to take the least notice, no more than if it were a dream." Winchester, 1st September 1705.

37. "13th January 170$\frac{6}{7}$. My Lord, I am to acknowledge the honour of 2 letters from your lordship of the 4th and 7th instant, and am glad to find you are so far advanced towards a speedy conclusion of that great affaire, which is a very great satisfaction to the Queen, and Her Majesty is now in hope the treaty will be sent up hither by the end of this month. I have made your lordship's complements to his Grace, who desires mee to return them very sincerely, and to lett you know he is very well disposed to gratifie Brigadier Hamilton in his pretensions.

"It is thought here that there will bee a necessity of keeping oun the Parliament of Scotland by short adjournments till it bee seen whether the Parliament of England bee disposed to make any alteration in the treaty as ratifyed in Scotland. Having nothing further worth your lordship's trouble, I remain always, my Lord, your lordship's most humble and most obedient servant, Godolphin."

38. "St. James's, 30th August 1707. My Lord, I am commanded by the Queen to acquaint your lordship that Her Majesty has very certain intelligence of John Murray, who was mentioned in Fraser's plot, being now in Scotland, probably in the north, because the D[uke] of Gordon's following are buying up horses and making preparations to goe to a hunting in Atholl.

The speedy discovery and apprehending of John Murray is of the greatest importance at this time, he being the soul of this whole affair. Her Majesty, therefore, hopes no diligence will bee wanting in the government of Scotland to defeat and disappoint those mischievous designs. I am always, my Lord, your lordship's most humble and most obedient servant, Godolphin."

39. Is glad to hear that Lord Seafield got safe to Edinburgh. "The noyse is very great here as well as there of new elections very soon. But the madness of that measure seems so evident to mee that I must always hope till it bee actually done that God's providence will prevent it . . . . I have gotten the Queen's hand to the warrant for Mr. John Montgomerie to bee master of the mint, and I have putt the Queen in mind of the Bastard estate which you desired for Mr. Abercromy . . . Sir D[avid] D[alrymple] went down from hence not very well satisfied with what passed at the hearing about the signatures, and some words have been dropped here as if he would bee not unwilling to demitt. Your Lordship will please to observe that a little carefully, and in that case turn your thoughts also to the consideration of a proper successor. I have mentioned Mr. Stirling to the

Queen to succeed Mr. Blair." He promises a further account in three or four days about "the affair of Lord Linlithgow." 22nd June 1710.

40. . . . "The Torys continue with very great confidence to give out they will have a new parliament, and tho' that advice seems to bee extreamly desperate, I think everybody ought to take all possible measurs to prevent the ill consequences of it." . . . 27th June 1710.

41. "Whitehall, 25th July 1710. My Lord,—This is an answer to the following particulars contained in your lordship's letter of the 18th instant.

"1. Whether the present Master of the Mint at Edinburgh may not be excused from attending here at the tryall of the Pix in August next, in regard none of the money in the said Pix was coyned since he was appointed to that office. To this I see no manner of objection, especially if the deputy of the late master and worker be directed to attend the same, and I have written to the Earl of Lauderdale accordingly to avoid any scruple in this matter by reason of the order sent him for the attendance of the master (amongst the other officers) of the said mint.

"2. As to the Master's executing his part of the indenture of the Mint before the barons of the Exchequer in Scotland, there can be as little, and in order to it, I have directed the officers of the Mint here to prepare such a draft of the said indenture as may be agreeable to that of the Mint in the Tower, and not interfere with the articles of Union; and when it is ready it shall be transmitted to Scotland in order to pass the great seal there, and to be executed by the master and worker as aforesaid.

"3. The draft of the signature for granting an augmentation of £10 a year to the first minister of Hadington out of the rents of the late bishoprick of Edinburgh, which I received inclosed in your lordship's said letter, I have referred to the barons of the Exchequer in Scotland, that being the method (your lordship knows) which is intended to be observed in passing signatures relating to that part of the kingdome. When their report comes back, I intend to present it to the Queen and to have it dispatcht as soon as may be. I am, my Lord, your lordship's most humble servant, Godolphin.

"If the barons of the Exchequer had been acquainted with this signature before it had been sent up to mee, it would have saved the time of sending it down to them."

42. "August 10th, 1710. My Lord,—Since I received the honour of your lordship's last letter, I have also received my own dismission from the Queen's service. The Commission of the Treasury appointed to supply my place is to me a very plain indication of a new parliament; but how soon the proclamation will come out I can't tell. Upon a good or an ill election of that parliament will depend, in my opinion, not only the fate of Brittain but of all Europe. I have sent your letter to 39 that he may the better judg of the reasonableness of all you say in it, and doe his part accordingly, of which I have not the least doubt. The stocks fall so much and our people suffer to that degree that they begin to bee enraged at what is doing here. I hope the influence of it will reach to your parts so as to bring us a good election of commoners at least. I have more doubt as to the peers, 222 being gon in entirely and for ought I know as farr as to give jealousy to 220, which I must own does not give mee any very great truble. I have great hopes wee shall

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have a good parliament here and that when he comes they will be more influenced by 37 than any body else.

"I send this to you under cover to my Lord Marchmont, who I hope will be assisting to you, and I have no doubt but my Lord Cromertie who is going will be so too. 224 is certainly not in the list with 222, so I hope you will have his help. I am sure it concerns him for I am told 222 aims at his post. That and everything else depends upon the new election. I don't question but 37 will give leave to his commoners to return upon the proclamation. I shall take your advice to bee quiet about the Earl of Lauderdail, which is surely the best. I have not yett heard the least mention of him. I am ever, with very great truth and esteem, my Lord, your lordship's most humble and obedient servant, Godolphin."

43. Acknowledges a letter from Lord Seafield, and after referring to his intended going to the country, wishes he had "continued a little longer here which might have been of much use to 38; but that is over." He daily expects an answer from 32, who will take care of Lord Seafield's commands, and he does not doubt "of 42 being just to 226 in case 222 should have success in his pretensions of the same nature." 42 had desired Lord Cromartie to delay his departure "which looks as if there were an intention of dissolving the parliament before that time." Has a letter from Mr. Pringle "in which he seems to think my letter to 124 might bee of use to him in his election." He will be very glad to serve him in this or any other way, but doubts "when he shall have known the fate of 38, he will no longer desire that letter." 15th August 1710.

44. "September 13, 1710. My Lord,—Having the opportunity of writing to your lordship by so safe a hand as honest Mr. Abercromy, I may venture to take more freedome than I could doe by the post, tho' it bee the less necessary, since hee will bee able to inform your lordship not only of what passes here, but also of the mind and intentions of the Duke of Marlborough. It seems to mee as if the new ministry had the same intentions of displacing him as they have don mee, but that while the peace seems still so uncertain, they have not dared to venture upon that stepp; so that I hope your lordship may still reckon that you have one firm friend in the Queen's counsell and government. Mr. Abercromy will be able to give you [notice] how intent my Lord Duke is upon procuring all the proxys of those in the army to assist you, and I am very sure all your friends here are not less zealous.

"I am not yett able to tell you anything certain of the D[uke] of H[amilton]. The ministry were very desirous to satisfie him so as that he might give his assistance to their measures. But his pretensions have been hitherto so unreasonable that they can not adjust it with him. I beleive the chief difficulty turns upon the peerage, and how hard that is nobody can tell better than yourself; and the account of that matter which you have had lately from Mr. Secretary Boyle will, I hope, convince you that will never bee done for him but in company with 126.

"We are expecting the dissolution every week for a good while, but I think it can not now be deferr'd beyond the next. I have not seen Lord Cromertie lately. He is very often with Lord Marr. But the last time I saw him he told me [he] had not gott anything done for him since I was out; nor did he ever expect to gett any more don for him while he lived. He hates the D[uke] of Qu[eensberry] and will never joyn in anything with him. I told him I thought my friends

would take him into their list. Hee seem'd diffident of that, but I told him I thought I could answer for it. I have sayd the same thing to my Lord Deloraine, who is well inclined, but his mother having sent for him to come down, has directed him likewise not to enter into any engagements till she has seen him. I have heard much talk of a list handed about here, but I could never see it, nor see any body who could say they had seen it. But the generall rumour is that it is composed chiefly of lords that were thought fitt to bee secured at the time of the late invasion, which is a circumstance that does not give it much credit here.

"Upon the best consideration that can bee had here of the state of the elections of the commoners, there seems little cause to doubt of our having a very good Parliament. I am with the greatest truth, my Lord, your lordship's most humble and obedient servant, Godolphin.

P.S. Since I had written this letter I have seen Lord Cromertie. He talks of going next week. He says the Queen would have him stand, but that he will neither seek nor decline election. He seems to be for Mar against Qu[eensberry]. He says they have different friends that they seek to bring in, and he thinks to which soever party the D[uke] of H[amilton] inclines, he will goe near to turn the ballance. But he says the peerage is refus'd him, and that he is just now swearing he will not be satisfyd without it. If you can gett the Duchess of Buccleugh, she has all power with her son."

45. Has sent Lord Seafield's letter to the Duke of M[arlborough], "who, I am sure, will be ready to doe everything you propose to him. By the accounts you give and by what we find, all the most arbitrary proceedings in the elections are to be expected, but how anybody can think that is long to bee maintained in our country and in this constitution is to mee, I confess, a very great riddle. I have already written so fully to you of Lord Stairs at his going down that I need not add anything now, and before this comes to you I believe you will have seen 222 and have learn't his intentions better than anybody can tell you from hence, where to the last they seemed mysterious.

"The objection of Grant's being a prisoner is ridiculous; but besides that, orders are already given for his speedy exchange; so I hope that matter will not in the least affect him. I hope 226 cannot be in any danger of losing the effect of 42's assurances to himself, because he has not a blind obedience to 214 and 220.

"And as for 199 there is no violence which he does not threaten, nor no truth in anything which he does promise." Newmarket, 12th October 1710.

46. Acknowledges receipt of a letter from Lord Seafield the previous night, and promises to observe his commands in what relates to himself. "To say the truth, if I were more inclined to be a blab than I am, there does not seem to be much encouragement to it." He congratulates him upon success in his own affairs, and promises to see him before he leaves for Scotland. St. Albans, 9th July 1711.

47. "February 10th, 17$\frac{1}{11}$. My Lord,—I can not lett this honest gentlmen, Sir G[ilbert] Elliot, goe home to Scotland without putting you in mind you have an humble servant here very desirous not to bee forgotten by you. There have been some opportunitys since I have seen you where 'tis probable your presence here might have been of use to some of your friends; but I am fully satisfied, 'tis better for your self in all respects to bee at home. This reflexion comforts mee very much in the want of your company and assistance here.

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"There are now five posts wanting from Holland, which keeps every body in all the suspense imaginable about the great affair of the peace, upon which all others of lesser consequence must necessarily turn. If your lordship bee at Edinburgh, this good bearer will bee able to give you more particular accounts than I can doe by letter; if in the country, I shall desire him to send it to you. And bee yon where you please, I shall never fail to bee, with great truth and friendship, my Lord, your lordship's most obedient humble servant, Godolphin."

III. LETTERS from the Earl of Seafield to King William, and from Statesmen and other Writers of note to James, fourth Earl of Findlater and first Earl of Seafield; also a few letters to his grandson James, sixth Earl of Findlater and third Earl of Seafield. 1700—1785.

48. "May it pleas your Majestie. Having obtained your Majesties alouence to accquant you with what occurrs in your affairs hier, I thought it my diutie to leat [your] Majestie know that with great difficultie wee have obtained ane resolve to continou the number of the forces upon the præsent establishment. The povertie of the country is verrie great. The pricees of al kind of grain greater then ever, and wee have the prospect of a verie bad crop. This was improved by my Lord Tullibardin and Earl of Ruglen and Whitelau, and it was confiden[t]lie said by them and ther friends that they would carie the reduceing of ane regiment of dragoons and two regiments of foot by three to two. I sent to the Earl of Portland ane memorial of al that is past which will give your Majestie full information. The opposers are nou endeavouring to carie our friends from [us] by presing things in favours of the East India Companie, and by demanding ane Habeas Corpus lau, bot I am hopful they shal not prævail. Al the lords who wer at London and the borons are unanimus in what concerns your Majesties service, and wee have many friends that concurr with us that are sensible of the miserable condition of this countrey. The Earl of Tullibardine is not in any of the committies. Al your Majesties servants except those I have named in the memorial to the Earl of Portland concurr heartilie, and you carie what your Majestie has demanded by the influence of your oun servants. I have writne fulie to the Earle of Portland of the difficulties wee had and yet have, and therefor I shall not præsume to give your Majestie further trouble. Bot wishing your Majesties royal person and goverment al prosperitie and happiness, I am with al diutie, may it pleas your Majestie, your Majesties most faithful and most humble and obedient subject and servant, Seafield." [Holograph of the Earl of Seafield, and indorsed: "Double of the first letter sent to his Majestie." Probably about 1700.]

49. "I shall not trouble your Majesty with a long letter at present, seing the bearer hereof, Mr. Carstairs will give you full informatione of all that has occurred since your Majesty pairted from hence. The inclosed letter is from my Lord Commissioner, and he writes to me that he has also sent with it to your Majesty the opinion of all your servants there concerning the sitting of Parliament before your Majesties return to Brittain, and by the accounts I have of it they doe all aggree in this that the Parliament should not meett dureing your Majesties absence, and they also think that the only sure way of settling your Majesties affairs in that kingdome to your satisfactione, will be to hold the next session in person; and albeit this may occasion a further adjournment, yet there will be no dissatisfaction upon that accompt if they be assured

that your Majesty is to be there. I doe heartely wish that your Majesty's other affairs could allow you to doe this, for it will be of great consequence to your Majesty's affairs here that all be ordered and composed in Scotland before the meetting of Parliament in this kingdome, and it is well knowen that at St. Germains, there hopes and expectationes are that there will be disorders and commotion in Scotland; and I am confident your Majesty's servants in Scotland would not adventure upon this advyce if they did not think that your Majesty could doe it with honour, safety and satisfaction. Att that meetting of your Majesty's servants it was proposed by some that they might offer your Majesty there opinion in caise that you could not come to Scotland, but as to this nothing was said; but I find some of them, particularly my Lord Advocat and my Lord Thesaurer depute doe think that at your Majesty's return to Ingland and before the sitting of the Parliament in Scotland, you should call up for my Lord Commissioner, my Lord Carmichael, and some others of your servants; [c]all also for my Lord Duke Hamilton and the Marques of Tweddale as being the two principall men of the opposing party, and endeavour to adjust matters. And as my duty oblidges me to lay this and everthing els before your Majesty that is proposed for your service in this criticall juncture, so I am also oblidged to acquaint your Majesty with the objectiones some make to this propositione. It is thought that it will make the opposing party higher in there demands then ever, for they will think your Majesty finds yourself necessitat in this matter, and there is no doubt but my Lord Duke and the Marques of Tweddale will enter into a concert with there party and take instructions from them.

"In the next place, in caice your Majesty doe not yeild to make these alterationes they will propose or goe intirely into their measures, there comeing here will have this inconveniency, that they will enter into a full concert with your opposing party in this kingdome, and will goe home more dissatisfied then ever. However, your Majesty may consider of this, and doe in it what you think most for your service.

"Your Majesty will perceave by the advyce that your servants gives you that there is ane other nationall address designed, and that allready a great many of the Parliament men have signed it, and they are now to goe to the countrey and to endeavour to procure hands to it. It was designed to be much bolder and higher, but the honest men amongst them who are mislead would not join with them, but in the termes as it now stands. They still insist to have the right of Calledonia declared, and to have no trade with France unless they be allowed a free trade and to have a Habeas Corpus law, and to have the accompts of all the bygone funds laid before them, and that there grievances may be redressed conforme to the Claim of Right, and that there may be laws made for preventing the adjournments of Parliament, and they pretend that the adjournments which have been made are by evil council. However, whatever council your Majesty has had in this matter was the unanimous opinion of all your servants, and apears yet to be ther joint advice to your Majestie, and the caling, adjorning and dissolving parlaments is your Majesties prærogative. I have inla[r]ged this much beyond what I designed, bot ther [is] too great occasion for long letters, and I know your Majestie desirs full information. The Earl of Annandale went for Scotland yesterday, and is weal satisfied." C. 1700. Indorsed: "Coppy of Kings letter with Mr. Carstairs."

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50. "Since I wrott last I have receaved a flying pacquet from Scotland and with it there is a letter to your Majesty from my Lord Commissioner which I beleeve does give a full account of the state of your Majesties affairs there, and your Majesty has also the advyce of your servants, and the coppy of the address which is now signed by a great many, and also the thoughts of some of your Majesty's servants concerning the army, and the draught of a letter to your Council as a declaration satisfying the minds of your people to be issued furth at the time of the next adjournment, and after reading and considering of all these, I have spoke fully with the Earle of Rochester.

"Your Majesty sees that all your servants doe aggree in this that the Parliament doe not meett dureing your absence from Brittain. This incapacitates us who are here to offer your Majesty any other advyce, for your servants there would take it ill if they were counteracted, and they would not think themselves accomptable for the success, and they doe send no advyce concerning either letter or instructiones, and both must be adjusted before the Parliament can meett to any good purpose.

"It is the opinion of all your Majesty's servants that if your affairs would otherwayes allow of it, that you goe to Scotland and hold the next session in person; by this your Majesty will have oportunity of speaking with such of both sides as you shall think fitt, and there are a great many of that party who now opposes that would yield to anything that your Majesty would desire of them; and the Earle of Rochester does aggree with us in thinking that your Majesty's goeing to Scotland is the most probable way to bring your Majesty's affairs there to such a setlement as may give joint satisfaction to your Majesty and your subjects, and if this can be done it will be of great use to your Majesty in the managing of your affairs elswhere.

"The second thing that your servants advyses is in caice your Majesty cannot come, and then they think that all is to be yeilded that is contained in the Address. I know your Majesty will read it over and consider it, and you will soon perceave what these concessions will amount to, and therefor it is unnecessary for me to trouble your Majesty any further on this point.

"Whatever your Majesty resolves upon yet one thing seems to be indispensibly needfull, that is, that the Parliament be further adjourned. In order to this there is a draught of a letter sent by your Majesty's servants to be the ground of a declaratione to be issued out at the same time with the proclamatione for adjournment. This letter needs also to be well considered. The Earle of Rochester does think that what is mentioned in it concerning the Affrican Company may give them ground to expect that your Majesty will yeild all that they desire in this point in the ensueing Parliament; but on the other hand, if there shall be any declaratione at all and no notice taken of the Company, it will signify nothing towards the end it is designed, which is the satisfying your Majesty's good subjects, and the letter seems to be positive enough that your Majesty cannot declare the right of Caledonia, for that you would have done it at first. It is true the letters contains no reasons why you could not doe it, but there seems not to be so great a necessity to give reasons now that the colony has capitulate and deserted their possitione, and your Majesty was still willing to doe something for the interest and support of the Company and for makeing up of there losses. But I doe presume to think that with any small alteratione your Majesty may be pleased to think of, the letter will doe very well, and whatever I might doe were I with your Majesty, yet at

this distance both from you and from the servants that gave you this advyce I dare not presume to offer any alteratione. So I leave this matter intirely to your Majesty's determinatione.

"There is not so great necessity for this letter at the makeing of the nixt adjournement if your Majesty doe positively declare your resolutiones of goeing into Scotland how soon you can return. But even in that case there must be a letter signifying your good intentiones towards your people, and that for that end you are fully resolved to come amongst them and hold the next session of Parliament in person, and give your assent to such laws as shall be necessary for there wellfare. And in this letter lykewise there may be something signified that your Majesty had your comeing under consideration and therefor did make the former adjournments, and that now you are resolved the Parliament shall meett so soon as you can be there. I doe heartely wish your Majesty may come into the resolution of goeing there, and all that I speak with of your Majesty's servants here, though I speak with them but in the generall, doe think it impossible that there can be any setlement made to your satisfaction without your Majesty's presence. But in this case I presume it will be necessary that your Majesty call me over to Loo that there may be directions concerning your palace, and other things may seem needfull.

"As for the reducing any part of your army and concerning the breaking of some officers, your Majesty has the opinion of the Commissioner and such as he advysed with, and if you doe not think the advyse for your service, the whole army may be subsisted with the current funds to the end of November. Your Majesty has also the opinion of your servants concerning what troops you can mantain by your hereditary funds after the first of November, which your Majesty may consider and keep by you, though I hope there will be no occasion for it, for I doubt not but things will be adjusted if your Majesty goe into Scotland.

"As for Captain Pinkartowne and his crew it is unnecessary that I should say anything on that subject, having writt so fully formerly; and I hope your Majesty has allready done all that I could desire of you in there favours. But if not, I wish no time may be lossed in the docing of it now. I find that your Majesty's consul at Sevilla has appeared in there behalf; but they are sentenced, and nothing will be of consequence to them if your Majesty doe not interpose; and I would that this were done so publictly and so plainly that it may appear to all that they ow there safety and liberatione to your Majesty's interpositione, and all your servants here that I speak with are most desireous that they may be saved, for it is now in the publict news prints that they are condemned.

"The Earle of Argyle is now in Scotland and I must doe him the justice to acknowledge that he does begin to act very boldly and forwardly in your service, but I find the Commissioner and he and severalls of them are dissatisfied that the Earle of Annandale should have gotten ane additional pension; and I confess I am of there mind that he ought not to have demanded it. But your Majesty did see his letter to me, and God knows how much he did wex and importune me, and I am sure had it not been done for him he had been lost as to your service.

"I must, in the last place, interceed for my Lord Chancellor. He has a pension of 400*lib.* from the bishops' revenues, and it seems there is ane year owing him of it, and he cannot subsist without it, and he desires a warrant that it be paid out of the Civil List for this year. I

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have inclosed his letter that your Majesty may read it, and give orders to Mr. Pringle about it. I hope your Majesty will pardon this long letter, but I should think myself very unfaithfull if I should omitt to represent anything that might be for your interest, for none wishes your Majesty and your government more prosperity then I who am with all sincerety and submission, may it please your Majesty, your Majesty's." Undated, but c. 1700. Indorsed, "Double of a letter written to the King except whats about Lord Rochester, and that sent in a memoriall by itself."

51. James, second Duke of Queensberry, Secretary of State for Scotland, to James, first Earl of Seafield, Lord High Commissioner to the General Assembly of Scotland, acknowledging the Council's letter with the account of the tumult at Glasgow and of the Council's procedure therein. The Queen approves what they had done and gives orders for punishing the actors and accessories. She also looks to the Council to continue their zeal for maintaining her authority and preserving peace, so as to hinder any provocation being given by the dissenting clergy to whom she promised protection only in their actings as allowed by law. He desires Lord Seafield to signify this to the Council. No date, but evidently in March 1703.

52. The same to the same, in reply to several letters from his Grace who wishes him to come speedily to Scotland. This he cannot do, first on account of his wife's confinement, and secondly "the Queen was so late in declareing her pleasure as to my being commissioner that sooner than the second week of Aprile I can not get ready what things are absolutly necessary upon that occasion, and . . . I shall not be with you many dayes befor the 6th of May to which the Queen has adjurned the Parliament." The proclamation to this effect he sends herewith, along with the indemnity which his Grace desired, and a letter to the Conncil.

"As to the ratifyeing all the sessions of the last Parliament I beleive ther may be some difficultys, yet I cannot but think that it is absolutely necessary. It may be considered if in some general terms the acknowledgeing the authority of the last Parliament without confirming the particular acts in it may not be sufficient, but if some equivalent is not found I think it leaves a back door open to be made use off when the Queen and government's enemies thinke fitt. And since ther are some and I'm afraid too many that dissoun'd the government in the late reign, yet for many reasons wer oblidged to submitt to the laws that wer made, ther not quarrelling at this time the authority that established these laws does not prevent ther doeing it when they shall see cause; and till something of this kinde be done, I doe think (and so will the world too) the Queen's title upon a verry weak foundation since she has succeeded and governs by the laws that were made in the last Parliament. I know that the Queen and her servants here do expect that this will be done; and if it is not, it will certanely be thought want of power in those she imploys ther. Therfor your Grace wold consider seriously of it, but with this consideration also, that to attempt it and not be able to cary it will be yet worse.

"I have the draught of the letter to the Parliament which I like verry well, and am of your oppinion not to mention the union but in a letter apairt, and I desire your Grace will send a coppy of one with ane instruction relateing to it. My Lord Tarbats oppinion is that ther should be an act continueing the power of the commissioners with a greater liberty of treating upon church government, judicatures, and

representations in Parliaments, and also with power to her Majesty to add or change names in the commission."

Seeing the lords of the Treasury are dissatisfied as to the management of the customs, considering the method an innovation, he hopes his Grace will do him the justice to let them know that he was not alone responsible, "yourselfe and my Lord Tarbat haveing fully agreed in it; and as for the list of the collectors, it was done by my Lord Tarbat and Lord Boyll when I was very ill, so that I did not so much as see it till it was signed by the Queen." Lord Eglinton had written twice about the appointment of Mr. Hay at Irvine, in which he had no hand and did not know the man. "Sir William Hope's allowance is intended out of the same funde that Luetenant-Colonell Murrays was payed, who I belive dyed since the last establishment." . . . Captain Lockhart's Commission shall be sent down . . . because your Grace and Mr. Lockhart desires it."

He sends for blank letters for adding members to the Privy Council, but notes the necessity of caution in filling them up. "They ought to ingadge fairly and give their words of honour, and if they break that, we are safe. Pray don't forgett Prestongrange; and if you want more letters they shall be sent or brought with me as you shall think fitt. Luetenant-Colonell Reid told me his designe; but the D[uke] of Marlborough stay'd so long out of town upon the death of his son, and was in such a hurry at his going away that I did not see him."

He would be very glad to serve Lord Dunmore, "being a person I have a great esteem for, and that I consider a man of honour," but at present there is no opening for him. "Lord Northesk must come in to the Treasory with the first." He intreats his Grace to avoid engagements till meeting, and to give him his thoughts about his instructions both public and private. Tarbat proposes "an indulgence. Both the Treasorer and I think it not fitt at this time. . . . If you are for it pray write such reasons as I may shoe to the Queen, and I will submitt; and if you think it not proper at present, write so, fully and in such a manner as to be shoen also."

"In discoursing with the Treasorer, amongst other things wee talk'd of the succession and abjuration. He is of oppinion that ther are verry good causes and reasons against setling the one and passing the other with relation to the union, because by not doeing them it may be thought wee have tyes upon England. Yet he is of oppinion that many who give that tye for the reason has other designs; and soe long as noething is done that it incouradges the pretended p[rince] of Wales and his party both at home and abroad to think that he has more friends ther then the Q[ueen]. And it is certan that they doe believe this to be the true reason, and therfor he wishes that if possible some expedient might be fallen upon, tho' not to setle the succession yet to declaire against that prince singly. And he thinks that the succession not being settled the tye continues still upon England. This my Lord Treasorer desired me to write as what is the Queen's, his own and the D[uke] of Marlboroughs thoughts and desire. So pray advise about it and let me have a full and clear answer to it one way or other as soon as possible.

"I have already wrot to you about the D[uke] of Lennox bussinesse, and yesterday the Q[ueen] ask'd me if I had got a return. You cannot imagine how much she seems to resent it both against the byers and seller, and sayes she will shoe it as much as the law will allow. So pray take care that she get faire play, and that all that's possible be done, and let me have an account of it as soon as your Grace can.

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"Mr. Pringle is gone for Scotland, and I'm told, verry angry. He has given some old addresses to Mr. Nairne, but noe other papers. He has all that passed in the affaire of the Union, which pray cause tell him must be given up befor the sitting of the parliament. I hear that in several companyes he has been very free in his talk of the Queen's affairs and sensuring of her servants and none more then your selfe, and braggs much of his power to doe mischeefe. If he has I belive he wants not inclination, so pray take care of him." He refers also to the tumult and the letter he had already written on that subject, and adds, "Before I went to the Q[ueen] about this affaire my Lord Tarbat and I wer with my Lord Treasorer and Lord Nottinghame, and Tarbat told us, and afterwards befor the Q[ueen], that he had a full account of the affaire from a Privy Councellor, and who he did not name, but that it was one who wes not in Councell when that matter was considered. This person seemed to accuse all of neglect in theire duty, both councell, magistrats and forces. For the magistrates, he sayes ther is no doubt but they might have prevented it if they had inclin'd, because all the town knew of it a day or two befor, and that they seem'd rather to incouradge then suppresse the mobb. As to the forces, he said that they wer not worth keeping if they wer not able, if well inclin'd; for he said on single man with a drawn sword drove the whol mobb befor him the length of a street till he mett with the magistrats. And as to the Councell, that they ought not to have sent directions or orders to magistrats to examine and punish the offenders (they being rather partners) but to have sent some of theire own number to have examined the wholl affaire. I only give this account for your information and not to be taken notice off, but to the register and president if you think fitt. However, the Q[ueen] and the lords did intirely approve of the method the Councell has taken, and as I told her before them I thought it the most moderate and prudent way.

"Ther is one thing I must take notice off to your Grace, and which Tarbat seems mightely concern'd at. In the letter from the Councell you seem to inferr that the Episcopall clergy takeing the benifite of the Q[ueen]'s letter was the occasion of the stirr. He sayes that ther is nocthing by that letter given them which they had not befor. I am sure ther was noething more intended them by the Q[ueen]; and if ther had been anything which wold have admitted of a worse construction then was design'd, you should have vindicated it, since it was concerted befor you went away, and you had it to correct; and my Lord President saw it also without makeing any objections that I heard off. And now since you see how hard it is to please and how many criticks ther are, I doe intreat that when anything is to be made publick by letters or otherwayes, you will send coppys from thence, for knoweing the occasion and the parties design'd to be pleased, and what will please them best, it will be much easier to form letters or orders to satisfaction ther then it can be done here by any body."

By his Grace's letter of the 11th just received, he learns with gratification of the good beginning of the Assembly, and has no doubt his good temper and prudent management will overcome all difficulties. He will faithfully lay anything he desires about it before the Queen. "I hope this letter will in some measure atton for my seldom writeing. You know my infirmetys, therfor must excuse them." Having letters on the same subjects from the Lord Register, he begs this may be communicated to him. London, March 17 [1703].

In another letter of the 6th of the same month the Duke of Queensberry congratulates Lord Seafield upon his reception as Commissioner, only he misses him greatly since his departure, as he has no

friend to whom he can open his breast. He refers to Tarbat's intended departure for Scotland, "for its verry fitt he wer there . . . . he has so many people about him, and dayly puting him upon projects which he immediatly takes fire upon, and running continually to the Queen, that it vexes me beyond what I can tell you." He thinks it would be well to provide him otherwise after the parliament. "I am sure, for interest of his own familly, his old place wer better for him, especially considering how he lives here, and his humor of buying everything he sees." Perhaps Lord Seafield would consult the president "or Philip himselfe. I am afraid he will not much care for the change, but its a thing must be done if I continue here, and wee could manadge it well enough for Philip." He regrets the letter respecting the sheriffship of Lothian came so late. Tarbat and he were for delaying the appointment till after the parliament, "but Livtenant-General Ramsay went to the Queen and ask'd it soe earnestly that she granted [it] to my Lord Dalhousie." He will write to Prestongrange next post that his not being upon the Council was merely forgetfulness, and that a letter is now signed for adding him.

53. The same to the same, sending the Commission for the Marquis of Tweeddale as her Majesty's Commissioner to the parliament. May 13th, 1704.

54. John, first Duke of Athole, to James, first Earl of Seafield, acknowledging a letter with news of the appointment of the Marquis of Tweeddale as Commissioner. "I am sure I am far from envying him that post, and am very glad D[uke] of Queensberry is out of itt. But if he be not out of the Secretars also, nether the Commissioner, your Grace, or I will be ether safe or easie; and besides, the Queen's affairs will not go so well on, but many more heates will arise that cannot be forseen. I did not doubt but that was the preliminary to be granted before the Mar[quis] of T[weeddale's] acceptance, which I shall be glad to be cleared in, or els he will lose ground instead of gaining . . . . I kno not what divisions D[uke] Q[ueensberry] can have any advantage by that yett appeares, for I have done my part to keep people as much unitte as possible till the parliament meet, and then I hope we shall concur in the most material affaires. I am, my Lord, your Grace's affectionatt cousin and most faithful humble servant, Atholl." Dunkeld, May 21, 1704.

55. James, fifth Earl of Galloway, to James, first Earl of Seafield. Having been informed that Heron, elder of that Ilk, had on 30th May last, in a clandestine manner, made application to the Privy Council against the writer's uncle, Castlestewart, having his weekly markets and fairs in his burgh of Newton-Stewart on the same day of the week, Thursday, on which Heron held his in his burgh of Minigaff, he writes to acquaint Lord Seafield that his uncle's right was granted in 1677, had been ratified by parliament, and exercised ever since, whereas Heron's markets used always to be held on Saturdays until ten years ago, when they were altered by Heron's author; that moreover the two burghs were in separate jurisdictions; and to beg his lordship to use his endeavours that his uncle's markets may not be interfered with. Clarie, 7th June 1704.

56. James, second Duke of Queensberry, Secretary of State for Scotland, to James, first Earl of Seafield. Thanking him for obviating the objections made by some people against the passing of his

exoneration, and desiring his favour for the "passing a locallety her Majesty has given me of 1,500 pound a year out of the customes of Glasgow till I am paid of what is oweing me." London, 22nd June 1704.

57. M. Van Vrijberge, Dutch Ambassador at the English Court to Queen Anne. That he had received instructions to request from her Majesty the release of the vessel named the Catherine, belonging to James Meyers, merchant at Rotterdam. It had been returning from the Canaries laden with wine, and though furnished with a passport of "LL. HH. PP.," was seized towards the end of August last by Captain Gordon and taken to Scotland. He will not repeat all the reasons urged on behalf of the owner, but he cannot refrain from pointing out that the procedure of her Majesty's subjects in Scotland seemed very rude, to pretend to maintain free trade with both the enemies and the allies of her Majesty, and yet to seize this ship under safe conduct. He therefore begs her Majesty to order the release of the Catharine forthwith. London, $\frac{17}{28}$ January $170\frac{4}{5}$.

58. James, fourth Duke of Hamilton, to James, first Earl of Seafield, in answer to a letter dated the 20th. Had been all last week in "Weirsdall" and "am soe much taken upp with my privat countrie affaires that I heardly know how to talke of polletickes, being both at a distance and ignorant of the interiour causes which mouves them to proceed with relation to our affares as they doe. I am sure your lordship knowes with how much zeall I offred my service to her Majesty when she came to the Croun, and eaven to joyne my small indeavours with thos who had ussed me worst. But if thos in goverment would not, sure I am not to be blamed for that.

"I wish it ware in my pour to cure the devisions that are amongest us. I may say noe bodie ever wisht it more than I doe, since the evill consequence of them can't but be obvious to the meanest understanding. And I am sure it's noe body's interest more than min that a good understanding be preserved betuin the two nations, which makes me regrait the warmeth with which thinges are push't in both houses in relation to our affares. Our soveraignes ussed to moderatte thinges betuixt uss, and I am sure this can't but be uneassy to her Majesty, who is equally queen of both. Your lordship say's our parleament is to meet soon in the spring. It does not belonge to me to offer measures, but I should think it highly requesit that all possible care be taken to prepare and soften matters. For you can't but think the noice of thos billes have reassed a considerable ferment in Scotland, and tho I make noe dout ther may be undertakers at this tyme, who to gett the goverment in ther hands again will promisse anything; yett her Majesty has too much at stake to venture a miscariadge at this tyme which may proove fattall. I am affrayed I have sade more than comes to my share, but it proceedes from my dieuty to her Majesty and the affection I carie for the good of Brittan. I have nothing to propossc for myself. I grow fond of a qwiett country life, and envies non of your great men; but I hope I shall have the continuance of your friendship and kindness, which is higly estimed by your lordship's most affectionatt cussen and humble servant, Hamilton." Preston, 28th January $170\frac{4}{5}$.

59. William Penn, founder of Pennsylvania, to [address wanting]. "12, 3m (Ma) 1705. Lesmehagoe stays still here a pledge for your kingdom, and unless redeemed by a letter to the Sub-secretary to

prepare him a letter for the Queen to recommend him for a subsistance till a command offer, he is like to stay here, which after two years waiting seems to be a hardship on his side, and but reasonable on the Government's side to graunt. It is the occasion of this trouble, and which I would ask pardon for, if he were not a Scotish gentleman and that I did not write to a more than ordinary noble man of the same nation. Pray therfore, command Weatherborn to prepare a letter for that purpose for the Queen to signe, and he returns with a resolution to disturbe his friends no more. The Queen has given her bounty to the Lady Frechevill, but without her other grace 'twill be but a mean conclusion; which ends this interruption of thy greater affairs by thy respectfull friend, Wm. Penn."

60. James, fourth Marquis, afterwards first Duke of Montrose, to [address wanting]. Has formerly told his lordship how often he has been solicited both by some of the prisoners lately taken by Captain Campbell, and by some of the merchants of Glasgow, to have so many of these prisoners exchanged for a like number of Scottish seamen presently in France, and again presses him to consider favourably their appeal. The prisoners are, he understands, to be taken to Edinburgh, but two of them, named La Grandieur and Le Pein, being Protestants, earnestly beg leave to stay in this country, as they are afraid to return. They are both tradesmen. Glasgow, 9th August 1705.

61. Robert Harley, Secretary of State for England, to James, second Duke of Queensberry. [Copy.] "August 27th 1706, past nine at night. My Lord,—It is too late to wait on your Grace this night in person, therefore I take the liberty to acquaint you that I have it from verry good information that Colonell Hooke is sent from France just now a second tyme to Scotland to negotiate affaires with the discontented there and to hinder the Union. He is a bold dextrous man, and if he could be taken knows verry much. Captain Caron sett him a shoare the tyme before, and I believe dos so now. It will not be difficult to catch him if proper means be used with great secrecy, and it will verry well recompence your pains. I thought it for the Queen's service to give this information to your Grace to whom I am with the greatest respect, my Lord, your Grace's most humble and most obedient servant, Ro. Harley."

62. Sir Charles Hedges, Secretary of State for England, to James, Duke of Queensberry. [Copy.] "Cockpitt, 28th August 1706. My Lord,—A gentleman lately come to St. Germains, and now in custody, having upon his examination mentioned one, Caron, as a person employed betwixt that Court and some disaffected persons in Scotland, and he having described the said Caron to be a middle siz'd man, of a flushy complexion, with freckles in his face and some on his hands, wears a light perwig and is near 40 years of ago, I send your Grace this description of him, and am, my Lord, your Grace's most humble obedient servant, C. Hedges."

63. Hugh, Earl of Loudoun, Secretary of State to [address wanting]. He had communicated his lordship's letter of the 8th when at Windsor "this morning" to the Lord Treasurer, the Duke of Queensberry, and the Earl of Mar, so far as related to the sending of troops to Glasgow to establish the officers of customs and excise there. They thought it would be better to delay doing so till after the arrival of the Equivalent, as it would "probablie put folks in better humor." Some of the wine

ships had arrived, and their masters had been told that the French wines would be seized whenever put on shore; but the Treasurer had instructed the commissioners of excise to show "our merchants all the favor allouable by law." Whitehall, July 15th [1707].

64. John, sixth Earl of Mar, Secretary of State for Scotland, to James, Earl of Seafield, Lord Chancellor. Has expectations of the speedy termination of the "marchant's affair." As to the return of the Scottish members to Parliament, the Chancellor of Britain's opinion is, "that thers no more necessare but such a return of the wryt to the Councill of Scotland as is incloased, which is the copie of what was sent from this, and this return to be sent by the Councill of Scotland to the Crown Office from whence the two houses will take extracts of their members return'd by it. In it the certificat by my Lord Regester may be mentioned tho' he thinks not this absolutely necessare." Whitehall, August 5th 1707. In a postscript he adds: "I'm sorie to see by the minuts of the Comission of Equivalent of the 28th of Julie so ill agreement amongst them and such protests and counter protests. I'm sure the English who are now with them will think it very odd."

65. Hugh, Earl of Loudoun, Secretary of State, to [James, first Earl of Seafield]. Before leaving London with the Duke of Queensberry and the Earl of Mar for Bath, he had reminded the Lord Treasurer of the necessity of getting his lordship and others of the Queen's servants from Scotland in order to adjust things before the meeting of Parliament. To this he agreed, "but that it would be necessar that your lordship and the Queen's other servants should continue in Scotland sume longer then was at first desinged, because that the remitting of the Equivalent had by unforseen accidents been longer retarded then was intended, and that your lordship's attendance there would contribut verri much to the quieting of the ferments there, and the disapointing the desings that sume have of embroyling that countrie." The Duke of Montrose and Earl of Glasgow would be required to come up. He sends by this post "Sir James Campbell of Auchinbreck's commission to be second major of Major-General Maitland's regiment." Whitehall, 21st August [1707]. In a postscript he adds that he has just received a letter from his lordship of the 17th which will take him to Windsor to-morrow. He omitted to say that Sir David Dalrymple's attendance would also be required.

66. William Penn, to James, first Earl of Seafield. "L^{d} 20, 7^{br} 1707. My Honourable friend,—The bearer I take the freedom to recommend as an honest and sober person, and capable of dischargeing any inferior place in the custom or excise; and haveing a good character where he has served, and pressing me hard for a letter into Scotland, I knew no person of quality whose good temper and breeding I could be more free with than the Earl of Seafield's. Forgive me this freedom and allow me to assure thee that I am sincerely one of thy admirers and therfore thy respectfull friend, Wm. Penn. His name is Edward Davies."

67. Rev. William Carstares to [James, first Earl of Seafield]. Is pleased that his lordship should still retain "a kind remembrance of your old servant. . . . The Commission of our Church haveing mett this week the appointing of a fast was suggested by some which did not a little at first perplex me and some others. But after some reasoning about it we brought it to such an issue as I humblie judge

is as much for the interest of her Majesties Government in this junctur as anything that belonged to our Church could well be, for there are but a few general causes of the fast mentioned; but the particular one is the danger that we may be in of being invaded by cruel enemies; and such expressions are made use of as shew entire dutie and loyaltie to her Majestie, and an utter detestation of French power, and a Popish pretender. This cannot but be a blow to the exspectation of Jacobits who did with all industrie as your Lordship knows improve the dissatisfaction that some Presbyterians had with the Union to the advantage of their designs, and I cannot but be so just as to tell your lordship that some of our ministers that were most warm against the Union were most earnest in urging this fast and testifieing their loyaltie upon this occasion. So that I hope, my Lord, that considering of what use to her Majesties Government this fast is, nice principles of some as to fasts and thanksgiving will be prudentlie overlookt, and that it will be judged that in present circumstances it is better that this fast was suggested by the Church, then if it had at first been appointed by authoritie, for it is a more plain and free declaration of their sentiments as to the present junctur then otherwise could have been given." He then reminds him that "a fitt person" be chosen to represent her Majesty in the approaching Assembly. Edinburgh, 6th March 1708.

68. John, first Duke of Athole, to James, first Earl of Seafield. That he had nominated him in his proxy given to the Earl of Orkney as one of the sixteen representative peers of Scotland. He has now been three months confined, two of them a very close prisoner, and he hopes the Queen will now liberate him on bail, especially as he has now qualified himself as sheriff-principal of Perthshire. Blair-Athole, 12th June 1708.

In another letter of the 26th of the same month, the Duke regrets that no effect has been given to his appeal, especially when others are being set at liberty.

69. Sir Isaac Newton, Master of the Mint, to James, first Earl of Seafield. [Holograph.] "London, August 12th 1707. May it please your lordship,—Upon the first notice of the death of Mr. Stewart I laid a memorial before my Lord Treasurer about the money in the hands of his executors that it might be paid into the Mint; but this memorial not coming from the proper officer I desired Dr. Gregory to signify to one of the officers of the Mint at Edinburgh that it would be proper for the officers of that Mint to lay a memorial about that matter before my Lord Treasurer. And accordingly the General of that Mint laid a Memorial before my Lord Treasurer about it in the name of the officers, and we made a report upon it, and two warrants were sent down to Edinburgh from her Majesty, the one to the executors of Mr. Steward to pay the money to the general and master, the other to the general, master and wardens to lock up the same under their several keys for paying of salaries and other charges as they shall become due, whereof the master is to give an account annually. If the executors do scruple to pay the whole at once, the officers may receive it by parcells. And when they begin to want the money in the hands of the collectors of the customes, it will be proper for them to desire the general to put in another memorial to my Lord Treasurer about that money. The executors should also make up their accounts in the Exchequer, but the method of bringing them to account I do not know. I hope they will do it voluntarily upon paying in the money into the Mint. If there be

anything in which I can serve your lordship or Mr. Allardes you may command, my Lord, your lordship's most humble and most obedient servant, Is. Newton."

70. The same to the same. "London, June 22nd 1710. May it please your lordship,—I received your lordship's letter yesterday about the tryall of the Pix, and this day waited upon my Lord Chancellour to know his sense upon that matter, and his lordship desired me to signify it to your lordship with relation to the two difficulties which your lordship proposed in your letter to him. His lordship thinks the Order in Council for the triall a sufficient warrant for conveying the pixis to London, and something more than a warrant because it commands the doing it, but the manner of doing it most safely is left to the prudence of your lordship and the other officers of the Mint, as it was lately left to the prudence of the officers of the five country mints in England to convey their pixes to London. If it be conveyed safely to the Mint in the Tower we will take care that it be safely carried thence with our pixes to the place of triall. And as to the other officers which are to come up hither to the tryall, his lordship thinks three sufficient, your lordship, the Master and the Warden of the Mint. For in the triall of the pix of the Mint in the Tower three officers only attend, the Warden, the Master and the Comptroller, the rest of the officers being of no use in the triall. If your lordship and the Master and Warden think it convenient that the Counter-Warden come to London with you, it will not be found fault with here; but if you excuse him he will be excused here, his power of acting in the triall being included in your lordship's. I am, my Lord, your lordship's most humble and most obedient servant, Is. Newton."

71. John, Duke of Marlborough, to James, first Earl of Seafield. "Bruxelles, February 13th 1709. My Lord,—I have the favour of your lordship's letter by Mr. Abercromby, who was so obliging as to bring me the vote the House of Commons are pleas'd to honour mee with. You may be sure the sence I have of itt, with the caracter you give me of the gentleman will always oblige me to do my vtmust, that he may meet with a sutable return to his zeal to the Queen's service. I hope to wait on your lordship the begining of the next month, and then shall be very glad to concert with you what may be most sutable to his inclinations. The Prince of Savoye has promis'd me to sett out from Vienna the first of March, in order to come directly hither. When I have notice that he continues his resolutions I designe to embark for England, for I long for the happy hour of entertaining your lordship that I may be trully inform'd how our affaires go att home, for tho I have many on that subject, yett I find them generally according to the complexion of the writter. I shall always think myself happy in the continuance of your friendship, being truly, my lord, your lordship's most faithful humble servant, Marlborough."

72. The same to the same. "September the 13th 1710. My Lord, —I have forborn giving myself the honour of writting, in hopes every post from England to have heard the certainty of a new parliament; but that being not declar'd, and the season being so farr advanced, I thought it prudent not to keep Lord Staires any longer. He will acquaint you with the inclinations of the Lords that are gone from hence. He has also my proxy, and with your advice he will fille it. I beg you will take measures with him with freedome, for you may depend upon his prudence and good temper, and that you will do me

the justice of beleiuing that I am with much truth, my Lord, your lordshipes most obedient humble servant, Marlborough.

"For the Earle of Seafield."

73. James, fourth Earl of Findlater and Seafield, to Queen Anne, [draft]. That not being a member of Parliament he had spent last winter at home, but has still every desire to serve her Majesty; and as there is now a vacancy in the representation of Scotland by the death of the Earl of Marischall, he will be glad to serve her therein, if she think it fit, or to vote for "any other you please to name." [May 1712.]

74. John, sixth Earl of Mar, to James, Earl of Findlater and Seafield. That the death of the Lord Treasurer's daughter has retarded business. He had received a letter some time ago from the Duke of Athole "to be laid before the Queen complaining of an Episcopall minister at Dunkel for not praying for the Queen in express words, and desireing that he may be prosecuted by the soliciters," but Lord Mar wishes the matter could be otherwise dealt with than in public, as it might "occation some bustle" between the "Church and Kirk parties" injurious to peace. "We have still stories wrote us up here concerning people of the West buying up armes, and a good dale more of that stuff, but since your lordship sayes nothing upon that matter I faucie there is nothing in it . . . . . I am sure your lordship will be pleased to know that the Queen never lookt better than she now does since she came to the Crown. She walks without help, even of a stick." The Parliament is not expected to sit till some time in February, so it will be long ere they see him. "I never saw old London so dull. Your lordship, I doubt not, is better diverted where you are. The session in the forenoon, and what you can find for yourself in the eavening, beside your makeing good chear to your friends, and mirth which your own happie temper never lets you be without." He refers to a dispute between his lordship and the Lord President about the signing of the interloquitors. The story had come from Edinburgh. "They say now that when the precident was ill, and by that absent, your lordship sign'd them, but as soon as he came back to the bench, your lordship yealded it, and that he continues to do it ever since. They think your lordship wou'd not have contested it unless you had been well grounded, and that the giveing of it up is a disparagment to your office, and makes you but vice-precident in place of him." He wishes to know what he is to say in the matter if it come to the Queen's ears, and she asks him. Whitehall, 18th December 1713.

75. The same to the same. "Whithall, Teusday night, December 29th 1713. My dear Lord—Tho the Queen was much better than she had been when I wrote to your lordship on Saturday last, I'm in much better heart now than I was then. She rested pritty well the begining of the night on Saturday, but her aguish fitt return'd about one on Sunday morning, and lasted till four, and tho' it was much easier than the first fitt was on Thursday, yet by her takeing no sustinace nor cordialls, she was a good dale out of order, Sunday, all day. . . . I find here in toun they had her dead on Sunday, and some people thought fitt to show (as I am told) but very undecent countenances upon such an occation. But I hope in God she will be preserved to us long and dissapoint those wretches who are not sensible of our blissings. I write to nobody else at Edinburgh

to-night, so your lordship will be pleased to let this be knowen to people there. I wish I may never have news to write to you less agreeable of our good mistress, and that there were not one of her subjects who wishes her otherwise than your lordship and I doe. I'll trouble you no further now, and I am, with all respect, my dear lord, your lordship's most obedient and most humble servant, Mar."

76. The same to the same. That he has now the Queen's commands to write to their lordships of the Parliament to lose no time in coming up for its meeting, and he hopes none will be absent even on its first day. The Queen "continues in her recovery more and more every day, but I believe she will not come to toun till after the birthday, that the gout may be quite off before she venter the shaking in a coach." Whitehall, 22nd January 171$\frac{3}{4}$.

77. The same to the same. "My Lord,—I had the honour of yours of the 21st last night. I am glade that contest betwixt your lordship and Lord President is at last over. I could not have thought that Lord Precident wou'd have protested, and much less that he should have askt it to be recorded, or that the bench wou'd have alow'd of its being done. This may one day or other be of very ill consequence to that Court, and occation people here who have no good will to it to propose such alterations as no Scots man should desire, and what is not thought of at this time. I heartily wish still that nothing of this disput should stand on record, and I think the Precident (espetially since he has yealded the point) should be as desireous of it as anybody else. As I remember the Precident's comission, it impowers him only to proceed in the Chancelor's absence, which to me, who am no lawer, seems to leave not the least shadow of disput in the whole affair. Since your lordship was oblidg'd to make a counter protest, I doubt not but you founded much upon this, which is stronger than anything can be said on the other side. Since the thing has been once moved, in my humble opinion it is of very great consequence to have the thing entirly now determined and put out of doors, and that nothing should appear on record of it. But this your lordship, the Precident, and all the bench are so much concerned in that you are best judges of it, tho' indeed it is the concern of every Scotsman; and I think the bench should not make light of it, for it concerns them very near, and it may be found that there may be handle enough made here of the protests. . . . Blist be God, the Queen recovers extreamlie well. Her gout is now easie to her and going off. She had a Cabinet Councill on Sunday night and was present her self at it. I was with her on Munday morning and I have seldome seen her look better nor more lively every way. Lord continue it long so. . . . ." Whitehall, January 19th, 171$\frac{3}{4}$.

78. Letter of Protection. "John, Duke of Argyll, Generall and Commander in Chief of his Majesties forces in North Britain, &c. You are to take care that no person takes away or abuses any thing in or about the house or upon the estate of the Right Honorable the Earl of Finlater, on pain of the severest punishment. Given at Aberdeen, the 14th February 1716. Argyll. To all officers and soldiers."

79. Two letters, unsigned and unaddressed, dated 15th February 1717. The "Sweddish plott" was still a surprise. Sir Jacob Banks, Cæsar and others who were arrested on suspicion have been liberated.

Earl Landsdown is at liberty, and Mr. Hay, whom the Council resolved should be put to death, has made his escape from Carlisle, and the King refused to sign the death warrant. There is not yet any reconciliation among the Ministry, notwithstanding the efforts made for that effect; the breach is so wide that the overthrow of one of the parties seems imminent. "They say Baron Bothmar has had frequent interviews with Argyle and Isla, there interest still continuing with the Prince as great as ever. The Parliament men are called up by there friends. Grant has required Glassaugh to goe up and he is half resolved to march on Monday" next for London.

80. Charles, Baron Spencer, afterwards second Duke of Marlborough, to [James, Earl of Findlater and Seafield]. "February 7th, 1723. My Lord,—My Mama Dutchess, having the headach, makes use of me for a secretary to give your lordship a great many thanks for the honour of your letter which she received to day, and to tell you that she is extreamly pleased that you like her manner of explaining the merits of the cause, which, tho it is not in the forms of a Chancery Bill, are all facts, prov'd and as true as anything in the Bible. Upon the encouragement which your lordship has given her she will give you more papers before the hearing, and she does not doubt but you will assist her in everything that is just, and farther than that she knows herself uncapable of desiring. And she depends upon your justice the more because she is a wittness that the Duke of Marlborough and the late Earl of Godolphin esteemed and loved you; and she believes their friendships were allways well grounded. She gives you many thanks for your promise of dining with her when you are at leisure. She won't fix a time for that honour because you will be allways welcome, whenever it is easy for you to come; and she knows when 'tis without invitation you will not dislike a family dinner, which will be allways ready at half an hour after 3. I am, your lordship's most obedient humble servant, D. Spencer." [He was grandson of the famous Sarah, Duchess of Marlborough, on whose behalf he was writing.]

81. Sarah, Duchess of Marlborough, to [James, Earl of Findlater and Seafield]. "March 26th, 1724. My Lord,—After I had seen your lordship yesterday I had an agreeable account given me of the inclinations in the House of Lords to doe justice in this compassionate case, but there was an allay in it, for I was assured that my Lord Isla will exert himself very much for my Lady Mohun to-day. 'Tis so scandalous a case that I should doubt of it if I had not had it from a very sure hand. This makes me trouble your lordship to beg of you that you will speak for these poor people, and in so just a cause as this there is no doubt but that you will sufficiently answer his lordship. And for the other law lord (I mean Trevor) by what I have heard, my Lord Harcourt and my Lord Chancellor have shewn warmth enough to silence him. I hope your lordship will be aware of any proposal to compound this matter, for they certainly have a right to the arrears as much as to the land, and there is so many of them that if they have not both, some of them will still be starving. I am oblig'd to dine abroad to-day or I should beg your lordship to do me the same favour as you did yesterday, who am, your lordship's most faithful and most obliged humble servant, S. Marlborough."

82. Charles, second Viscount Townshend, to James, Earl of Findlater and Seafield. That His Majesty is pleased "that the Assembly ended so quietly and with such universal satisfaction," that

he approves his lordship's conduct entirely, and attributes the result to his prudence and wise management. Whitehall, 2nd June 1724.

83. General George Wade to the Earl of Findlater and Seafield. "My Lord, I am extreamly oblidged to your lordship for the honour of your letter, which I this minute receiv'd from your servant. My success in our expedition on the Seaforth was even beyond expectation, the McKensies and other clans having paid a dutifull and obedient submission to His Majesty's commands, and surrendered their arms to the number of between 700 and 800 in great solemnity, decency, and quiet, and have promised for the time to come to pay in their rents for the use of the publick.

"I had yesterday an express from the Duke of Newcastle, with an account that His Majesty had been pleased to remove his Grace the Duke of Roxburgh from his office of Secretary of State without any intention of putting any in his place, so that the affairs of Scotland are to be transacted by the English secretarys.

"Another great peice of news I had from Duncan Forbes, viz., that the brewers of Edinburgh began to capitulate on this day sennight, that they demanded high and unreasonable conditions, but at last consented to continue their brewing so that there is now plenty of ale at Edinburgh.

"I have sent summons's to all the clans in the neighbourhood of Fort William and Killyhuimen, and shall on Monday set out for those places hopeing they will not scruple to follow the example of the bravest and most formidable clan in the Highlands. I thank your Lordship for your kind invitation, but believe my buisness will not allow me to wait on you. I should be too happy with such a relief from so much hurry and buisness but must strike the iron whilst hot. I am, my Lord, your lordship's most humble and obedient servant, George Wade. Camp at Inverness, September the 3rd, 1725."

84. Andrew Sutherland to [the Earl of Findlater and Seafield]. "London, June the 15th, 1727. My Lord,—I thought it my duty to acquant your lordshipe with this sade and sudden surpriss off the King's death, Sunday last, being 11th instant, at his brother hous at Aussonburgh within 20 mills off Harrenhousen. This day about 12 a cloak the prince was proclamed at Leister hous, Chearing Cross, Temple Barr and Royall Exchange. His late Majesty was taken ill upon the Thursday and continued all Fryday, and was violently taken upon Saturday in fitts of ane apoplexy, and dyed Sunday morning betwixt twelue and on. My Lord, I can give your lordshipe no accompt of the coronation not being prefixt, is all at present from your lordshipe most humble and most obeident servant, Andrew Sutherland."

85. Henry Home, Lord Kames, to James, sixth Earl of Findlater and Seafield. "Edinburgh, 13th November 1766. My dear Lord,—I have been longing for a little confabulation with you, and I am glad to have got a subject for satisfying my longing. It concerns the duty upon coall, which runs always in my head. It appears from the books of the Customs that the duty of our coall carried coastways, including what is carried to England, exceeds not, communibus annis, 190*l.* sterling yearly. This tax is unluckily appropriated, and therefore to get free of it something equivalent must be put in its place. My proposal is to raise by subscription a sum that may yield 190*l.* yearly, to be paid in to the Treasury in place of this coal tax, but we shall not have occasion to

raise so much. Let the duty remain upon the coal carried to England, and therefore I presume the duty we are to buy off may not exceed 150*l.* Suppose this the case till we get more pointed information, a sum of 4,000*l.* would be more than sufficient; and can we doubt but that sum may be easily raised for executing a purpose so laudable. We may expect very considerable contributions from the towns of Aberbrothock, Montrose, Aberdeen, etc. Whenever you come to town we must set this matter a going. A committee must be chosen interested in different counties to draw in subscriptions, &c. Many other projects wait your coming and therefore, nil mihi rescribar attamen ipse veni. H. Home." In another letter, undated, to Lord Deskford, Lord Kames writes "My Lord, writing is an image of conversation and therefor I love to write to you. The subject shall be the duty on coal." And then he proceeds at length to discuss the English coal duties.

86. James, sixth Earl of Findlater and Seafield to Sir Alexander Gilmour, Baronet, of Craigmillar, M.P. for Midlothian. He desires him to interest himself in getting a grant for the widow of Lord Edgefield. "There is another thing I have at heart, because I think it of publick consequence. You know I have scarce any acquaintance with my Lord Dalhousie. When a second brother he was bred to the law and universally esteemed. His becoming a peer by the death of his elder brother drove him from the Bar, and the narrowness of his fortune confines him to the country where he will be absolutely lost. Everybody must be sensible that as people do not rise from the Scotch law to the peerage as they do in England, the only chance we have for having anybody among the peers who knows anything of our law is by second brothers, bred lawyers, succeeding to peerages. When that happens and they are otherwise of good character, I think it is the business of the Crown to cherish them, to supply this material defect in the House of Lords. And in this view it is my opinion that a pension, not too great an one, of £300 or £400 a year, should be granted to Lord Dalhousie, upon condition that he attend the Session house constantly, and read all the papers that are given in to the Court, which I know all the judges would concur in procuring him with distinction. The condition might be communicated to him by a private intimation, and I think there can be no doubt of his exerting himself, upon understanding that this is only a preparatory step to make him of use and importance in Parliament. My Lord Panmure is his uncle, and would, I suppose, naturally concur in an application of this kind and take it as a favour done himself." 11th January 1767.

87. Memorandum from Lord Findlater to Sir Alexander Gilmour about filling up the vacancies in the Trustees office, and in the Commission for the Annexed Estates. In both these offices people of figures are wanted. In the Trustees office merchants are necessary, and it is requisite that the people named should be people that will attend. In this respect Sir Alexander Dick would be proper in both boards, because he has nothing else to do. Henry Dundas, the solicitor, should be added to both boards. Besides these, Lord Findlater thinks Patrick Miller, merchant, and John Fordyce, very proper for the Trustees office; and if there is any doubt about Sir Alexander Dick, he thinks George Chalmers a proper person. In the Commission of Annexed Estates he thinks John Fordyce and George Chalmers extremely proper, and John Davidson, but he believes there are but four vacancies in each board. If my Lord Hales will undertake to attend, he is the fittest man of any to be one of the trustees for the

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manufactures." Inclosed in a letter to Sir Alexander Gilmour, dated Edinburgh, 11th January 1767.

88. James Burnett, Lord Monboddo, to [the Rev. John Grant, Boharm]. "Monboddo, 24th August 1780. Sir,—I had the favour of your letter, and am very glad to continue the correspondence with a man that I think both sensible and curious." He refers to some statistics of some northern parishes supplied to him to show the proportions of male and female births, and contrary to his expectation the males are the more numerous. "If, therefore, it be true what Mr. Bruce of Abyssinia reports that the number of females born in the eastern countries is so much supernumerary to the males, in the ratio, as he says, of 4 to 1, it must be owing to causes which do not exist in this country. . . . . As to climate, tho' I know a great deal is ascribed to it by our modern philosophers, and no doubt it has a great effect upon animals and vegetables, I do not think it can affect men in that way, for I am perswaded that in all parts of the earth the males in the human species in a state of nature were supernumerary, and the effect of the better climate would only be to make them, as well as other animals and vegetables, better of the kind.

"As to the numbers they are decreased, and much decreased in almost every one of the parishes except where there are towns or villages, and upon the whole the decrease is very considerable both in the 17 and the 13 parishes; particularly in the parish of Fordun where I live the decrease is near to 7,000 in *eighty-four* years. The reasons you give for this decrease are quite satisfactory. It is by the ingrossing of land into few hands, and driving the people either out of the country altogether, or into towns where they are consumed by vices and diseases. In this way the great gentlemen swallow up the lesser, the great tenants the small, and the crofters or cottagers, who were by far the most numerous of these three orders of men are, in many parts of Scotland, almost totally extirpated. But the loss of all others, the most irretrievable in my opinion, and which you very properly lament, is the extinction of our antient families of nobility and gentry which is going on at a wonderfull rate. These were a very numerous race in antient times in Scotland, and were the glory and strength of the country, as they must be in every country. Now I am convinced there is not in Scotland the 10th landholder that was one hundred years ago. In England the depopulation of this kind is, I believe, still greater, for there is hardly a gentleman of 300*l.* a year to be found in England, and the whole race of yeomanry and gentlemen farmers, answering to our wadsetters and great tenants in the Highlands, is totally extinguished. These are melancholy truths, but I can only wish, and you can only pray for the remedy of such evils which threaten the utter annihilation of the country. But I doubt you cannot pray as Anchises does in Virgil—

> Dii ! prohibete minas ; Di, talem avertite casum,
> Et, placidi, servate pios.

For the want of religion, I think, is one of the worst symptoms of our present state, not being at all convinced of the truth of what Mr. David Hume has advanced in his posthumous works, that the less religion there is in a country the better.

"In this melancholy state of our affairs the greatest comfort I have is living as much as I can in the antient world, and I shall peruse with a great deal of pleasure what you are to publish on antient monuments relating to this country. You mention two or three places where the

remains of the Romans are to be found. There is one mentioned, as I remember, by Richard the Monk, which he calls the *Arce finis Imperii Romani*. They are yet to be seen near Chanry in Ross-shire as Colonel Roy the Engineer told me. They are three *tumuli* of earth and stone. I think it will be worth your while to inquire about them. I am, Sir, with much regard, your most obedient humble servant, Jas. Burnett."

[Several other letters passed between Lord Monboddo and Mr. Grant, and also Mr. Isaac Grant, W. S. Edinburgh, in reference to the proposed publication. While offering all friendly assistance, Mr. Isaac Grant writes in a letter dated 27th December 1780,—"In the name of wonder why don't you apply your time and attention to something that everybody will understand, and not deal in abstract things that only will be relished by the literati?" Lord Monboddo, after reading the MS. writes on the 3rd December 1782, that he "thought it very well worth printing," but he had failed in his endeavours to have it taken up in Edinburgh, and was now to apply to Caddel in London. He adds:—"If it were no more than a compilement from so many antient authors, it would be very usefull to a scholar who desires to be informed about the antiquities of his country, by saving him the trouble of going thro' the indexes of so many antient books. And besides your preface, which every man studious of those subjects will read with pleasure, you make part of your collection a very rare author, Richard the Monk of Cirencester, of whom [I] believe I have the only copy in Scotland. This alone should make your work sell in such a country as this; at least I am perswaded it will do so in England, where that book is equally rare." Caddell, however, refused to undertake the responsibility, and in a letter from Lord Monboddo, dated 13th March 1785, mention is made of the "valuable MS." being returned to Mr. Grant.

IV.—Miscellaneous Writs in the Charter Room at Cullen House.

89. Notarial Instrument narrating that in presence of the notary and witnesses underwritten, in full Court in the Court-house, compeared James Ogilvy, of Drumnakeith, and Thomas Duff, bailies of the burgh of Cullen, with the councillors and fellow burgesses thereof, and in a high and intelligible yet sufficiently lamentable voice deplored the abuses and confusions into which misgovernment had brought the affairs of the burgh; and they agreed to elect certain understanding and discreet burgesses to whom they give the power of setting in tack all lands, mills, and others belonging to the said burgh, and that all persons holding such should resign the same for a regrant thereof, in the hands of the said bailies, which they hereby did. Done on 16th March 1480–1. Witnesses, James Ogilvy, of Drumnaketh, John Duff, senior, and Thomas Duff, senior, brother-german of the said John. Robert Doloquhy, Notary.

90. Precept of Sasine by Mr. Patrick Lumysdene, rector of the Bridge of Spey (Pontis de Spey) and superior of the lands of Robertisfeld, Hugestoun, and Ynchkandy, directing Alexander Ogilvy in Glashalch, his bailie, to infeft James Dunbar, of Cumnok, and Elizabeth Ogilvy, his spouse, in conjoint fee in these lands, lying in the sheriffdom of Forres, and which were resigned by the said James for that purpose. Dated at Rothes, 16th April 1508. Witnesses, Mr. Edward Cunninghame, rector of Cussyny, Andrew of Sinclair, vicar of Lagan, notary public, Sir James Greir, chaplain, and others.

91. Dispensation by Edward, bishop of Orkney, as commissary and executor of Lawrence, Cardinal of the four crowned saints, Papal penitentiary, narrating that on 12th February 1524 there personally compeared before him in the aisle or chapel of St. John the Baptist in the Metropolitan Church of St. Andrews, Walter Ogilvie, laird of Cragboyne, of the diocese of Aberdeen, and John Keith, son and heir apparent of Gilbert Keith of Balmuir, as procurator for Christian Keith, daughter of Sir William Keith, Earl Marischal, whose appointment, dated at the Castle of Dunnottar on 9th March 1524, under the seal of the said Earl, and attested by Gilbert Keith of Troup, Alexander Keith of Pettindrum, Sir John Leicht, vicar of Dunnottar, and others, is inscribed at length, and desired a dispensation for the marriage of the said Walter Ogilvy with the said Christian Keith. They were related in the fourth and fourth degrees of consanguinity, because Elizabeth Maitland, by her first husband, begat a son, James Edmonstoun, and by her second husband, a daughter, Elizabeth Creychtoun. This James Edmonstoun begat a daughter, Margaret Edmonstoun, who begat George Ogilvie, and George Ogilvie, begat the said Walter Ogilvie. Elizabeth Creychtoun was the mother of George Gordon, who begat Elizabeth Gordon, Countess of Marischal, who was the mother of Christian Keith. The dispensation is granted with consent of Malcolm Halcrow, priest of the diocese of Orkney, who presented the letters, and is dated 12th February 1524, according to the Scottish computation. Witnesses, Andrew, bishop of Caithness, John, adjutor to the bishop of Orkney, Sir Thomas Myrtoun, archdeacon of Aberdeen, Mr. Robert Reid, sub-dean of Moray, Mr. Andrew Patrickson, Sir John Mathieson, Mr. Andrew Yrland, Andrew Strang of Petcorthie, and others.

92. Notarial Instrument under the hand of Richard Daloquhy, priest of Moray, before whom personally compeared John Gordon, lord of the third part of the lands of Innerchero, and acknowledged that it was his own seal engraved with three boars' heads, and a star in the middle, with which he had sealed a charter of alienation and a precept of sasine of the third part of his lands of Innerchero to Alexander Ogilvy of that ilk and which he now ratifies and confirms. Done at Auchindown before William Forbes, in Keithmore, and others. 31st July 1531.

93. Charter of Erection by William, bishop of Aberdeen, of the parish and parish church of Deskford, whereby at the request of Alexander Ogilvy of that ilk, whose petition bore that to many of the parishioners the parish church of Fordyce was too remote for their attendance on Lord's days and festival days especially in inclement weather, and that the inhabitants of that parish were too numerous for one pastor, while the residenters on the barony of Deskford had to travel to the said church by desert ways, the said bishop, with consent of his chapter, specially congregated, and sixty days' notice of the petition having been given to all parties having interest by public edict, erects the chapel in the barony of Deskford into a parish church; with all the privileges and immunities belonging of right or custom thereto, with bell-tower and bells, baptismal font, cemetery and right of sepulture, and of ministering and bestowing all other sacraments of the Church on the parishioners within the bounds of the barony of Deskford; to be called in all time coming the parish church of St. John of Deskford, the said Alexander Ogilvy having rebuilt the chapel in honour of Almighty God, his mother, the Virgin Mary, and in memory of the most blessed John the Baptist, and having adorned it within and without with ornaments and priestly vestments, and procured its dedication and consecration into a church

by the hands of the priest (pontificis). In the said church a fit man is to be ordained as priest, presented by the dean and chapter, who provide for his sustenance out of the teinds of the church of Deskford a yearly stipend of 8*l.* Scots, Alexander Ogilvy of that ilk having granted a garden and manse suitable thereto in perpetual alms. To all which also, by notarial instrument, Sir John Robertson, perpetual vicar of the Church of Fordyce, for himself and his successors, gave his consent. Dated at the Chapter-house (Canoniam) of Aberdeen, 14th October 1543. Witnesses, James Mowtray, vicar of Turrekkillis, Walter Stewart, Thomas Scheres, vicar of Keltoun, clerk of our Chapter, Laurence Young, chaplain of Westhall, Peter Huchesoun, vicar of Tullinessill, and James Skene, notary public. Subscribed by W^s^ Epš. Ab̄doneñ, R. Erskin, decan^9^ Ab̄doneñ., Danid Dischintone, cat̄or, G. Marcel, cancellarius, Joannes Steuard, thesaurarius, Jacobus Gordoun de Lēnay, Johēs Cūmyng de Der, Patricius Mortoñ, archi^9^, Dūcan^9^ Bn̄et de Methlak, Ro. Lokhart a Drūmayok, Arthurus Taillefere de Crechmond, Wilłms Cābell de Tullynessill, māu pp̄a, Alex^r^. Kyd, succēt̄or s̄t, Thomas Suthirland, p̄beñ^9^ de Ellone, manu pp̄ia, Johānes Ogiluy de Crudane, Alexander Gallouay a Kynkell, Henricus Forsy^t^ de Monymosk.

94. "The Intitulatioun and Inuentour of all the moueabill guddis and gier pertenying and beying in the possessioun of me, James Ogilvy of Fyndlatter, giffin vp be my awin mowth at Fyndlatter the xvj day of Septembere, in the yere of God mv^c^ sextie and fyiff yerris, to stand as my testament and last vill quhill I renew and reforme the samin, maid befoir vitnes, Michaell Ogilvy of Cultis, James Ogilvy, sone to vmquhill Johne Ogilvy of Glassacht, and Maister Villiame Lawty, notar." He gives an inventory of his farm stock and other goods, but all the values are not filled in. At the end he says:—"All rest of teynd siluer of the foirsaidis kyrkis (Inverboyndie and Deskford) onpait to me, I leef the samyn to Mr. Williame Lawtie, becaus he hes beyn to me ane gude seruand in all tym past."

He appoints James, Lord Ogilvy, tutor to his grandson, Walter Ogilvy, with the administration of the whole lands pertaining to the barony of Ogilvy of Findlater which are held in feu, viz., the lands of Findlater, with pertinents, Blareschenocht, Bruntown, Sefeild, Vodfeild, and Smythtown; and also assigns to him what remains of his tack of the teind sheaves of Inverboyndie and Banff, held of the Abbot and Convent of Arbroath, and of his tack of those of Cullane, Deskfurd, Fyndlatter, Knokdurnis, Drechadleis, Tullynath, Longmure, Half Baddinspink, Half Paddokburn, and Half Newmyll, held of the canons and chapter of Aberdeen, which tacks belonged to him as donator to the escheat of the deceased Sir John Gordon. He appoints his natural son, Alexander Ogilvy, his assignee to the reversion of the lands of Fyndauchtie from "Mareyone Ogilvy, my sister," and bequeaths 300 merks to him to help to redeem them, but places him under the tutorage of Mr. William Lawtie, during his minority, and he is to be overseen by George Ogilvy of Dunlugus and George Ogilvy of Auchquhenany, his "tender freyndis" and executors. To his natural daughter, Barbara Ogilvy, he bequeaths 100*l.*, and directs that she be under the guiding of his said sister. He also gives legacies of 20 merks to each of the following: James Ogilvy, son to John Ogilvy of Glassaucht, and his brother, John Ogilvy, George Ogilvy, son to George Ogilvy of Myltoun, and his brother James; Alexander Ogilvy, son to George Ogilvy, elder, and his brother, George Ogilvy. In concluding he says, "My wif, Marjory Levynston, to hef all thinge pleissandly without ony cumber quhilk scho aucht and suld hef of the law or compocission ressonabilly thairfor be advisse of freyndis."

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95. Charge by King James the Sixth to James, Lord of Torphichen, to receive and enter Alexander Hay, director of Chancery in "the tempilland contenand ane yard and croft adiacceint thairto on the south syde of the kirkyard of Cullane, betuix the landis pertening to the prebendarie of Sanct An on the south, the kirk croft at the eist, the Greshauch and Castelyard at the west, the landis of Johnne Ogiluy on the north; quhilk yard was occupiit be vmquhile Sir George Duff, provest of Cullane, and the said croft, occupiit be Johnne Gillane in the toun and territorie of the burgh of Cullane within the sherefdome of Banff; and ane vther croft of tempilland lyand in the Drummeris within the territory and sherefdome forsaides occupiit siclike be the said Johnne Gillane betuix the Priestisfauld at the south, the landis of Sanct Annis prebendarie at the west, the landis of the Magdalene prebendarie at the eist, and the heding of the landis of the Halie Croce prebendarie, occupiit be Duncane Robertsoun at the north," which had been apprised by James Lord Torphichen for unpaid duties since the death of Christie Pratt last lawful possessor thereof who died in June 1514, and to the nonentry duties of which the said Alexander Hay was donator. Dated at Edinburgh, 9th January 1576-7.

[In another document dated 31st March 1612, John Duff of Muldavit, Mr. Patrick Duff of Darbruiche, his brother, Walter Duff, son of John, and present prebendary of St. Ann, and Adam Duff, his brother-german, confirm the right of James Lawtie, burgess of Cullen, to certain of these prebendary lands either acquired from his deceased father, William Lawtie, or from the said Alexander Hay.]

96. Mutual Bond of Manrent and Maintenance whereby Alexander Ogilvy of Boyne agrees to "honour and acknawledge" Sir Walter Ogilvy of Findlater, as his "cheif and principall off quhais hous and name he is discendit," and concur with and assist him accordingly, "as ane kinnisman aucht to do to his cheiff"; and Sir Walter promises the reciprocal defence and protection, "as becumis ane cheiff to his kinnisman." To this they pledge themselves for their lifetimes. Dated at Fordyce, 30th January 1589. Witnesses, Sir George Ogilvy of Dunlugus, James Dunbar of Tarbet, Walter Ogilvy, apparent of Dunlugus, and Thomas Innes of Pethuyk.

97. Bond of Manrent by George Currour, fiar of Inschdrour, that "Forsameikill as Walter Currour my father, and haill predicessouris before him, hawe being bund in serwice and dependence to the lairdis off Findlater, as the howse maist kyndlie to thame to depend vpon for mony respectis; and in respect I am to succeid to the said Walter, my father, his lewing, heretage and possessiounis, and hawing considderit my greatest weil sall consist in keiping my honest dewtie to the said hous," he gives his pledge to be faithfull and true to Sir Walter Ogilvy, now of Findlater, knight, and his heirs; the said Sir Walter, in return, promising his protection. Dated at Cullen, 7th May 1598. One of the witnesses is James Ogilvy of Blerak.

98. Mutual bond of friendship between Sir Walter Ogilvy of Findlater and John Leslie of Balquhain, whereby they agree to "frequent and hant ilk ane otheris house and companie as occasioun sall offer and mister permit, aluayis at sum spetiall tyme, ilk ane of us to spend aucht, tene or tuell dayis in otheris houses as sall pleis ather off vs to apoint the other wpone lauchtfull warning off ane moneth befor ve sall meit, no excuise except ane verray lauchfull and veill knawne caus to be admittit. The contravenar salbe bund to pay the

penaltie off ane puntione of wyne, and to be ane brekar of trew freindship." Dated at Cullen, 12th January 1605.

99. Inventories of the jewels and clothes of Lady Anna Hamilton, wife of Hugh, Lord Montgomery, afterwards seventh Earl of Eglinton, and mother of Lady Anna Montgomerie, who married James, third Earl of Findlater, and was mother of Chancellor Seafield. The inventory of jewels has already been given from the Eglinton Charter Chest [Report X., Part I., page 35], but on this copy there are notes signed by Lady Anna Montgomerie, aunt of the young lady, dated at Eglinton 24th February, 19th June, and 18th November 1646, stating that "the bairin hes gotin out" and "my berin hes gotin out," certain rings, etc., there described.

In the "Inventar of the clothis and apparrell belonging to my Lady Montgomerie the tyme of hir ladyshipis deceis, sett doun the 24 of October 1632, are contained,—

"Ane gryt nycht goun of freisit cloth of gold.

"Ane waistcot of rid sattein imbroderit with gold, and imbroderit slippes.

"Ane goun of cloth of gold, laid over with tevell of gold, and sum gold buttonis, with kertill and stammager conforme.

"Ane blak dames goun, laid over with sylver tevell, with sleives, stamager and kertill of quhyt satin, imbroderit with sylver, lynit with incarnet taffitie.

"Ane blak vroght velvet goun, laid over with gold lugit lace, with kirtill, sleives of cloth of tuschie, and stammager of ane stuff lyke vnto tusche, laid over with gold lace.

"Ane pink colourit tabbie goun, laid over with sylver lace, with kirtill, sleives, and stammager of the same conforme.

"Ane blak sattin goun, flowrit with sylver and laid over with sylk and sylver lace cutt vpoun tua taffiteis, with sleives, stammager, and kirtill of the samyn conforme.

"Ane blak tabbie goun, flourit with divers collouris of flowris, laid over with blak lugit silk lace, with sleives, stammager, and kirtill of cloth of sylver.

"Ane quhyt flourit taffitie nicht goun.

"Ane petticot of cloth of sylver, laid over about the taill with ane dipe fringzie of sylver.

"Ane petticott of cramissie velvot, laid about the taill with aucht gold lace.

"Ane waistcott of grein taffitie, wroght with pettie-point.

"Ane naipkine of quhyt holland cloth, wroght in cutt work with gold and silk.

"Ane bairnes face cloth and collercloth, with ane brod gold perling, and sum gold wroght vpoun the collercloth.

"Ane nicht pok of blew, imbroderit with gold.

"Ane rid skarlet ryding cott and hude, laid over with sylver lace and sylver buttonis; and ane pair of mittonis conforme.

"Ane imbroderit Bybill.

"Ane blew velvit saddill, laid over with sylver lace, and ane sylver fringzie with all furnitour conforme.

"Ane approne of tifine, with sylver ribbin and sylver perline schowit with sylver.

"Ane cuscheon cloth of cut work, with ribbin and perline.

"Fourtene ellis of flourit taffitie, blak cullourit."

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100. Protest by the undersigned peers and others against an act of the Privy Council, taxing equally all the teinds within the kingdom of Scotland, as well those held by just and undoubted right, as those aimed at by the Commission of Erections, which are more questionable. They are not unwilling to enlarge the King's patrimony by the taxation of their teinds, but they are desirous that their good teinds should not be prejudiced by being placed on a level with the others. No date, but *circa* 1633. Signed by "Huntlye, Eglintoun, Wintoun, Seafort, Blantyre, Burghly, Cranstoune, Ramsay, Deskfoord, Petsligo, A. Gray, S. J. Grant, A. Falconer, fiar of Halcartoun, J. Neutoun, Sir W. Sinclair of Cadboll, Patrik Bruce of Nevtovne, D. Pitcairne of that Ilk, J. McKenzie of Tarbat, W. Seton of Meldrum, Johne Gordoune, Sinclair of Murkill, Robert Innes of Balvenj, William Bruice, Jo. Cranstoune of Thorndykis, Johne Cranstoune of Skeddisbus, T. Cromby of Kemnay," and another.

101. Discharge by George, second Marquis of Huntly, to James, Earl of Findlater, from whom he has received "full satisfactione . . for certane parcells of his Maiesteis armes and ammunitione delyvered by me to Thomas Abercrombie of Skeith" in 1639. Dated 1st April 1644.

102. Licence "by the Commissioners of the Parliament of the Commonwealth of England for orderinge and managinge affaires in Scotland," to the burgh of Cullen, to choose magistrates and officers for the government thereof, "according to their former rites and customes," their deputy having declared their "acceptance of the tender" of the said Parliament, "to be incorporated into the Commonwealth of England, and to be one therewith," and engaged to live peaceably and in obedience thereto. In the exercise of their authority the magistrates are to use "in all cases where formerly the name or stile of kings hath bin used," that of "the Keepers of the Libertie of England by authority of Parliament." Forms of the oaths to be taken by every person elected to the magistracy, and by burgesses and freemen are subjoined, and also a form of declaration to be subscribed by all electors before exercising the franchise. The first election is to take place within fifty days of the granting of this licence, which is dated at Dalkeith, 13th March 1651, and signed by Ol. St. John, Ri. Deane, Robert Tichborne, and R. Salwey.

103. Notarial Instrument narrating that certain of the magistrates and burgesses of Cullen had gone to the mosses and muirs of the said burgh, where James Hay of Rantis, Peter Gordon, natural son to Sir John Gordon of Park, and James Cock, elder and younger of Carnoch, "accompanied with ane great many people of his Hyenes frie leidges with great tries and corne forkis, quhom they had convocated in ane hostile way," had cast down the just marches of the said burgh, "quhilk wer erected by the old ancestors of the saidis magistrats of Cullen sinc ever it had ane bieing to be ane toune, and incroatching extreamlie vpon the just liberties of the said burgh" by setting up new marches. These the magistrates of Cullen now cast down, thus making civil interruption, but being threatened by their opponents with hostilities, James Cock, younger, being girt with "ane vnlawfull veapon vpon his syde (called ane durk)," they took instruments. Dated 9th August 1656.

In a summons raised by the magistrates of Cullen against Hay of Rannes, and his associates, dated 29th October 1661, in connection

with this dispute, both the incident itself and a subsequent feud between Hay and the town is more fully narrated.

104. Obligation by John, Earl of Tullibardine, and Sir James Ogilvie, principal Secretaries of State for Scotland, that seeing they had granted a commission to Mr. Alexander Belshes, writer, in Edinburgh, to be sheriff clerk of Midlothian for his lifetime, in consideration whereof he had paid to them, equally between them, 500*l.* sterling, they for their respective halves thereof would refund the same in the event of James Scott, the late sheriff-clerk, reducing their said gift in the Court of Session, Belshes being accountable to them meanwhile for the profits and perquisites of the office received by him. Dated at Holyrood House, 15th September 1696.

105. French letter. General Ogilvy to James, Earl of Seafield, Chancellor of Scotland. That he had long desired to know about his family in Scotland, and had now learned from Mr. de Macky, lately come from that country to the Imperial residence, how his lordship held the office of Lord Chancellor there. His Majesty King Charles had been pleased to honour his father, now deceased, "par une diplome de nostre famille. Mais come dans la derniere guere des Barbars l'original fit perdu dans les flames, que les Tourques ont estandu dans la plus grande partie de ce pais, vous me pauriez obliger infiniment, en me procurant un autre de la meme sorte et signature, pour l'honneur de nostre famille estranger dane ce pais ici; quoyque pour l'a present il y ne soient que moy, mon fils unique, qui est capitain dans le regiment de Baden, et 4 de mes seurs dont il y a 2 dans les convants religieuse." He hopes for an early reply. For the present he is in the service of his Imperial Majesty. Dated at Vienna, 7th November 1703, and signed "B. Fr. Ogilvy, M^r^ General."

106. Several pages of ciphers used in the State correspondence of this period, including two of "My Lord Thesaurers Cypher" (Earl of Godolphin), the old one and "the new one"; also "Mr. Johnstone's Cypher," at the end of which is written, "Direct for Mr. J. thus—For Alexand^r^ Fraser, Haberdasher of Hatts at the Elephant at Charing Cross, London." There is also "Mr. Weatherburnes Cypher," and another called "Cipher C.," this last being altogether of a mixed numerical and hieroglyphic nature.

107. "A State of the Actings and Sufferings of the deceast John Seton of Pitmedden, James and Sir Alexander Setons, his sons, for the royal family, commencing from the beginning of the intestine warrs of the kingdom of Scotland in the year 1638. Written by the said Sir Alexander, and humbly offered to the right honourable the Earle of Finlater, lord High Chancellour of North Britain, to be communicated to the Queen's Majesty, as his lordship, after discoursing the Earl of Mar, shall think convenient, who will concurr with his lordship and shall have a copy of the same memoriall."

He narrates the particulars of his father's and elder brother's lives and deaths, also of his own life (being now in his 79th year, and having been born in 1635), and also about his mother, a daughter of Johnstone of Elphinstone and second wife of James, first Earl of Hartfell. The object of the narrative was to interest the Queen and procure payment of certain arrears af salary due to him as a lord of Session before he was deprived of that office in 1686. *Circa* 1714.

MSS. OF COUNTESS DOWAGER OF SEAFIELD.

108. List of the Faculty of Advocates in 1746, in duplicate, giving the year of each members entry from 1692 down to 1746, with notes against many of the names, *e.g.*,

Sir William Cockburn, T., old.
1699. Mr. George Douglas, W., fail'd.
1704. Mr. Charles Areskine, W., old and fail'd.
1707. Mr. Thomas Menzies, Cuteraws, dead.
1710. Mr. David Walker, W., no lawyer.
1711. Sir Philip Anstruther, Clerk to the Bills, W., unfitt.
1716. Mr. David Rutherford, no lawyer, probably whig.
1719. Mr. John Erskine, senr., W. D. Carnock, said to be a gentleman of great honour.
1726. Mr. George Sinclair, W., fit, brother to Steinson.

These are but few out of the list, which contains in all about 180 names; W. evidently d[illegible]ig, and T. Tory.

WILLIAM FRASER.

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